

MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairman Townsend at 10:00 a.m. on Monday, June 19, 2000, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

James Braun
Lisa Davis Cook (Arrived at 10:10 a.m.)
Darrell Hanson
Rozanne King
Kathryn Murphy, Vice-Chair (Arrived at 10:20 a.m.)
Terrance Townsend, Chair
Rita Venner, Secretary

MEMBERS ABSENT

Gary Preibe
Randy Giannetto

Gary Preibe called to say he would not be able to make it to the meeting due to work in the field.
Randy Giannetto called to say he would not be able to make it to the meeting due to a business conflict.

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Delete: Item #5 Toxic Cleanup Day Contract Approval

Motion was made by Rozanne King to approve the agenda as presented. Seconded by James Braun. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Motion was made by Rita Venner to approve the meeting minutes of May 15, 2000 as presented. Seconded by Rozanne King. Motion was carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

Larry Wilson, Deputy Director, reported that Interim Director Lyle Asell would not be able to attend today's meeting due to a death of a close family friend.

COMMISSIONER APPOINTMENT

Deputy Director Wilson announced that Lisa Davis Cook had been appointed to the commission.

MEMORANDUM OF AGREEMENT FOR IOWA WASTE EXCHANGE

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

Summary:

Waste Management Assistance Division requests approval of the Memorandum of Agreement between IDNR and IDED/Recycle Iowa. This agreement provides IDED/Recycle Iowa with the ability to administer the Iowa Waste Exchange Program including the execution of related contracts with community colleges, councils of governments, and the Iowa Waste Reduction Center (IWRC).

Benefits:

The IWE program will become fully integrated into the state's recycling economic development initiatives and the IWE program will gain access to IDED's established marketing and public relations tools. This integration allows IWE greater access to new IWE clients and funding partners resulting in increased diversion success and program stability.

IDNR/Recycle Iowa additionally offers the ability to expand the IWE program services with new strategic initiatives and partnerships. These services include:

- ✓ referrals for recycling related technical assistance (using recycled feedstock in place of virgin, buying recycled-content products),
- ✓ formalized partnering with other business outreach services including the Waste Reduction Assistance Program (WRAP) and the Materials Testing Service (MTS).
- ✓ identifying business development opportunities (the need for financial assistance, locating new marketing opportunities or assisting with marketing challenges, encouraging and facilitating the development of new recycling business start-ups or expansions.).
- ✓ Coordination of strategic planning efforts, recyclable commodity targets, and statewide program performance measures will also result.

Background

Since 1994, IDNR has had a unique partnership with the IDED with the goal to advance the state's recycling market development efforts. Together, the departments have worked to develop an infrastructure where environmental and economic success can be fully realized. In recent years, IDNR and IDED have recognized the IWE as a critical tool for advancing both Iowa's environmental (waste diversion) and economic development goals (recycling is a targeted industry for IDED).

Since inception, the IWE program has diverted over 487,000 tons from Iowa landfills and saved businesses \$11.5 million in avoided disposal costs.

Liz Christiansen presented the details of the agreement highlighting that in the past year the program had been extremely successful, and that the program had easily surpassed their goals.

Darrell Hanson asked if the use of Councils of Government and the use of community colleges as intermediaries for the program was a case-by-case decision made for different parts of the states.

Ms. Christiansen answered that yes it was and that it was reflective of who the local players are.

Darrell Hanson asked how much went to community colleges.

Sherry Timmins answered that the majority of the contracts go through the community colleges and that only one or two go through the Council of Government.

Motion was made by Darrell Hanson to approve the Agreement for Iowa Waste Exchange. Seconded by James Braun. Motion carried unanimously.

APPROVED AS PRESENTED

Larry Wilson acknowledged Lisa Davis Cook upon her arrival and the Commission welcomed her to the Commission.

SOLID WASTE ALTERNATIVES PROGRAM GRANTS APPROVAL

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

The Department received thirty-one (31) pre-proposals, requesting over \$3 million in financial assistance, for consideration during the April 2000 round of funding. Seventeen (17) applicant projects were selected for further review. If approved they will receive \$1,110,870 in a combination of forgivable loans, zero interest loans, and 3% interest loans.

The review committee consisted of six persons representing the Waste Management Assistance Division (Tom Anderson, Leslie Leager, Merry Rankin), Iowa Society of Solid Waste Operations (Scott Smith), Iowa Recycling Association (Garth Frable), and the Iowa Waste Exchange (Frank Demilla).

The table below summarizes recommendations by applicant and project type and by the type of award.

Recommended By Applicant Type	# Awards	Award Amount	Forgivable Loan Portion
Local Government	7	\$121,010	\$121,010
Private For Profit	9	\$889,860	\$100,160
Private Not For Profit	1	\$100,000	\$50,000
Recommended By Project Type	# Awards	Award Amount	Forgivable Loan Portion
Best Practices	11	\$686,750	\$100,000
Education	3	\$39,960	\$39,960
Market Development	3	\$384,160	\$100,160
Type of Award	# Awards	Award Amount	Forgivable Loan Portion
Forgivable loan only	8	\$141,170	\$141,170
Forgivable, Zero, 3% Interest loans	8	\$769,700	\$200,160
3% only	1	\$200,000	\$0

At this time, the Department is requesting Commission approval to enter into a contracts with selected applicants whose awards will be in excess of \$25,000 subject to satisfactory review of business plans, negotiation of budget, match, deliverables, and other requested information.

A description of each recommended project, the project type, the amount and type of funding assistance is attached followed by a description of other proposals received.

SOLID WASTE ALTERNATIVES PROGRAM PROPOSAL RECOMMENDATIONS – APRIL 2000

The Department received thirty-one (31) pre-proposals, requesting over \$3 million in financial assistance, for consideration during the April 2000 round of funding. Seventeen (17) applicant projects were selected for further review. If approved they will receive \$1,110,870 in a combination of forgivable loans, zero interest loans, and 3% interest loans.

The following provides a description of each project, the project type, and the amount and type of funding assistance. The descriptions are organized as projects above \$25,000, those under \$25,000, and proposals received but not selected.

PROPOSAL RECOMMENDATIONS: ABOVE \$25,000

BEST PRACTICES PROJECTS

Central Construction and Demolition Recycling, Inc.		Forgivable Loan:	\$0
1300 Lincoln Street, P.O. Box 65430		Zero Interest Loan:	\$0
West Des Moines, IA 50265		3% Interest Loan	<u>\$200,000</u>
		Total Award Amount:	\$200,000
		Cash Match:	\$4,787,005
		In-Kind Match:	<u>\$0</u>
		Local Match:	\$4,787,005
		Total Project cost:	\$4,987,005
Project Title:	C&D Recovery Expansion		
Contact:	Robert Hosier 515-221-9669		
Project Type:	Best Practices		
Applicant:	Private For Profit		
Description:	The applicant will purchase equipment to process construction and demolition debris such as wood, post-consumer asphalt shingles, gypsum, and concrete. The resulting product can be sold as various commodities to construction and road building companies. 84,526 tons of debris will be diverted from the landfill. This represents a 6% increase in diversion compared with the current system.		
Target Area	Polk County		

TJ's Hauling		Forgivable Loan:	\$20,000
1054 Rolene Rd., Box 42		Zero Interest Loan:	\$20,500
Carroll, IA 51401		3% Interest Loan	<u>\$0</u>
		Total Award Amount:	\$40,500

		Cash Match:	\$52,670
		In-Kind Match:	<u>\$0</u>
		Local Match:	\$52,670
		Total Project cost:	\$93,170
Project Title:	Recycling Program Improvements in Carroll County		
Contact:	Tim Sapp 712-792-4071		
Project Type:	Best Practices		
Applicant:	Private For Profit		
Description:	The applicant will purchase a hook-lift truck and six recycling dumpsters to collect recyclable materials. 234 tons per year diversion is expected. The new equipment will create a user-friendly program, safer working conditions, and eliminate unsafe ergonomic conditions.		
Target Area:	Carroll County		

Simpson College	Forgivable Loan:	\$50,000
701 North C Street	Zero Interest Loan:	\$50,000
Indianola, IA 50125	3% Interest Loan	<u>\$0</u>
	Total Award Amount:	\$100,000
	Cash Match:	\$800,000
	In-Kind Match:	<u>\$0</u>
	Local Match:	\$800,000
	Total Project cost:	\$900,000
Project Title:	Track & Field Tire Project	
Contact:	Bart Lane	
Project Type:	Best Practices	
Applicant:	Private Not For Profit	
Description:	The applicant will use crumb rubber made from recycled tires in the new turf field and track at the college. 150 tons of tires will be used in the project.	
Target Area:	Indianola	

Dodd's Trash Hauling and Recycling	Forgivable Loan:	\$20,000
2910 W 4th St. S	Zero Interest Loan:	\$11,500
Newton, IA 50208	3% Interest Loan	<u>\$0</u>
	Total Award Amount:	\$31,500
	Cash Match:	\$182,300
	In-Kind Match:	<u>\$0</u>
	Local Match:	\$182,300
	Total Project cost:	\$213,800
Project Title:	Recycling Program Improvements	

Contact:	Elizabeth Dodd
Project Type:	Best Practices
Applicant:	Private For Profit
Description:	The applicant will purchase a “bobcat” loader and a truck to be used in recycling collection and processing. 3,308 tons per year diversion is expected.
Target Area:	Jasper County

Matt and Krista Allsup	Forgivable Loan:	\$0
306 E. Main	Zero Interest Loan:	\$100,000
Richland, IA 52585	3% Interest Loan	\$0
	Total Award Amount:	\$100,000
	Cash Match:	\$197,000
	In-Kind Match:	\$0
	Local Match:	\$197,000
	Total Project cost:	\$297,000
Project Title:	Wood Waste and Pallet Recycling	
Contact:	Matt Allsup 319-456-8415	
Project Type:	Market Development	
Applicant:	Private For Profit	
Description:	The applicant will rebuild pallets and sell them to surrounding businesses. 5,000 tons of wood waste will be diverted annually.	
Target Area:	Jefferson and surrounding counties	

River Cities Management, L.L.C.	Forgivable Loan:	\$0
200 East 90th Street	Zero Interest Loan:	\$113,700
Davenport, IA 52806	3% Interest Loan	\$0
	Total Award Amount:	\$113,700
	Cash Match:	\$37,900
	In-Kind Match:	\$0
	Local Match:	\$37,900
	Total Project cost:	\$151,600
Project Title:	Wood Waste: Source of Energy	
Contact:	Mike Stewart 319-285-4849	
Project Type:	Best Practices	
Applicant:	Private For Profit	
Description:	The applicant will use funds to modify the existing infrastructure to allow more waste wood to be burned to heat and cool their commercial building. 10,000 tons per year diversion is expected.	

Target Area:	Jackson, Clinton, Muscatine, and Scott Counties
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Western States Appliance Recycling 354 332nd Street Perry, IA 50220	Forgivable Loan:	\$20,000
	Zero Interest Loan:	\$30,000
	3% Interest Loan	\$0
	Total Award Amount:	\$50,000
	Cash Match:	\$15,000
	In-Kind Match:	\$0
	Local Match:	\$15,000
	Total Project cost:	\$65,000
	Project Title:	Appliance Recycling Grant Application
	Contact:	Jim Walstrom 515-465-2719
Project Type:	Best Practices	
Applicant:	Private For Profit	
Description:	The applicant will purchase equipment to provide service to more clients. They will expand their operation of gathering household appliances, removing hazardous materials, and marketing the scrap metal as a resource. 500 tons per year diversion is expected.	
Target Area:	Western Half of Iowa	

MARKET DEVELOPMENT

Terril Plastics Molders Inc. 203 Main St. Terril, IA 51364	Forgivable Loan:	\$20,160
	Zero Interest Loan:	\$0
	3% Interest Loan	\$0
	Total Award Amount:	\$20,160
	Cash Match:	\$285,840
	In-Kind Match:	\$0
	Local Match:	\$285,840
	Total Project Cost:	\$306,000
	Project Title:	ICF For the Upper Midwest
	Contact:	Ron Zelinsky 712-853-6123
Project Type:	Market Development	
Applicant:	Private For Profit	
Description:	The applicant will utilize 346 tons of recyclable plastic in the creation of concrete forms. The forms will be sold to contractors for use in home	

or industrial building construction. They will purchase 2 molds for the forms and plastic material needed for the first year.

Target Area: Terril

Ottumwa/Wapello County Solid Waste Commission	Forgivable Loan:	\$30,000
105 East Third Street	Zero Interest Loan:	\$0
Ottumwa, IA 52501	3% Interest Loan	<u>\$0</u>
	Total Award Amount:	\$30,000

Cash Match:	\$319,566
In-Kind Match:	<u>\$11,160</u>
Local Match:	\$330,726

Total Project cost: \$360,726

Project Title: Glass as Aggregate Market Development Grant Project
Contact: Jody Gates 515-683-0694
Project Type: Market Development
Applicant: Local Government
Description: The applicant will use mixed colored glass for 10% of the aggregate used in the road base course of the new landfill road. 300 tons of glass will be used in this project.

Target Area: Wapello and Davis Counties

Plastic Recycling of Iowa Falls, Inc.	Forgivable Loan:	\$20,000
10252 Hwy 65	Zero Interest Loan:	\$100,000
Iowa Falls, IA 50126-8823	3% Interest Loan	<u>\$0</u>
	Total Award Amount:	\$120,000

Cash Match:	\$124,470
In-Kind Match:	<u>\$500,000</u>
Local Match:	\$624,470

Total Project cost: \$744,470

Project Title: Grinding Capacity Increase
Contact: Jim Hoffman 515-648-5073
Project Type: Market Development
Applicant: Private For Profit
Description: The applicant will purchase a shredder, guillotine splitter, and conveyors to process an additional 250 tons of recyclable plastic per year. Plastic Recycling of Iowa Falls, Inc. produces extruded plastic products including park and recreational products, traffic control items, dimensional plastic lumber and landscape timbers, and custom molded products for industrial use.

Target Area: State of Iowa

Wisconsin EPS – Iowa		Forgivable Loan:	\$20,000
809 East 15th St.		Zero Interest Loan:	\$150,000
Washington, IA 52353		3% Interest Loan	<u>\$44,000</u>
		Total Award Amount:	\$214,000
		Cash Match:	\$437,895
		In-Kind Match:	<u>\$38,700</u>
		Local Match:	\$476,595
		Total Project cost:	\$690,595
Project Title:	Wisconsin EPS – Iowa EPS Recycling Project		
Contact:	Debra L. Oosterwyk 920-923-4146		
Project Type:	Market Development		
Applicant:	Private For Profit		
Description:	The applicant will purchase and install equipment to incorporate used and scrap Expanded Polystyrene (EPS) into their manufacturing process to create usable EPS for resale. 550 tons per year diversion is expected.		
Target Area:	State of Iowa		

PROPOSAL RECOMMENDATIONS: BELOW \$25,000

BEST PRACTICES PROJECTS

Decatur County		Forgivable Loan:	\$14,250
Courthouse, 207 North Main Street		Zero Interest Loan:	\$0
Leon, IA 50144		3% Interest Loan	<u>\$0</u>
		Total Award Amount:	\$14,250
		Cash Match:	\$14,250
		In-Kind Match:	<u>\$0</u>
		Local Match:	\$14,250
		Total Project cost:	\$28,500
Project Title:	Decatur County Recycling, Program Year 2		
Contact:	William F. Greenwood 515-446-4323		
Project Type:	Best Practices		
Applicant:	Local Government		
Description:	The applicant will purchase two recycling bins, equipment and fuel for the hauling truck, and offer a part-time driver/hauler position in order to manage the project. 240 tons per year diversion is expected.		
Target Area:	Ten incorporated communities and all unincorp areas in Decatur Co.		

Van Buren Co. Board of Supervisors		Forgivable Loan:	\$1,800
406 Dodge St.		Zero Interest Loan:	\$0
Keosauqua, IA 52565-0475		3% Interest Loan	<u>\$0</u>
		Total Award Amount:	\$1,800
		Cash Match:	\$600
		In-Kind Match:	<u>\$1,214</u>
		Local Match:	\$1,814
		Total Project cost:	\$3,614
Project Title:	Oil Filter Recycling Initiative		
Contact:	Susan Salterberg 319-498-4516 or John Whitaker 319-293-3129		
Project Type:	Best Practices		
Applicant:	Local Government		
Description:	The applicant will purchase an oil filter crusher to drain used oil filters enabling them to recycle the metal canisters and oil. In the first year approximately 450 pounds of oil and 1,200 pounds of metal oil filter canisters will be recycled.		
Target Area:	Van Buren County		

City of Chariton, Iowa		Forgivable Loan:	\$10,000
115 South Main, City Hall		Zero Interest Loan:	\$0
Chariton, IA 50049		3% Interest Loan	<u>\$0</u>
		Total Award Amount:	\$10,000
		Cash Match:	\$10,000
		In-Kind Match:	<u>\$0</u>
		Local Match:	\$10,000
		Total Project cost:	\$20,000
Project Title:	Recycling Program Continuation – Lucas County		
Contact:	Edward Elam 515-774-5991		
Project Type:	Best Practices		
Applicant:	Local Government		
Description:	The applicant will purchase two additional recyclable trailers to further efforts in Lucas County to reduce solid waste at their regional landfill. 625 tons per year diversion is expected.		
Target Area:	Lucas County		

Harrison County Landfill Commission		Forgivable Loan:	\$25,000
2812 East Hwy. 30		Zero Interest Loan:	\$0
P.O. Box 121		3% Interest Loan	<u>\$0</u>
Logan, IA 51546		Total Award Amount:	\$25,000
		Cash Match:	\$6,250
		In-Kind Match:	<u>\$18,750</u>
		Local Match:	\$25,000
		Total Project cost:	\$50,000
Project Title:	Harrison County School Recycling Project		
Contact:	Dan Barry 712-644-3093		
Project Type:	Best Practices		
Applicant:	Local Government		
Description:	The applicant will assist the five school districts to implement recycling in all the schools in the county. Each school will collect office paper, cardboard, tin and aluminum for recycling. 52.5 tons per year diversion is expected.		
Target Area:	Harrison County's Schools		

EDUCATIONAL PROJECTS

West Des Moines Community School District		Forgivable Loan:	\$20,000
3550 George M. Mills Civic Parkway		Zero Interest Loan:	\$0
West Des Moines, IA 50265		3% Interest Loan	<u>\$0</u>
		Total Award Amount:	\$20,000
		Cash Match:	\$25,000
		In-Kind Match:	<u>\$0</u>
		Local Match:	\$25,000
		Total Project cost:	\$45,000
Project Title:	Pollution Prevention in the West Des Moines Community School District, Pilot Project Grant Application		
Contact:	Bruce Greiner 515-226-2760		
Project Type:	Education		
Applicant:	Local Government		
Description:	The applicant will develop a pollution prevention guidance program document, promoting environmental education and efficient waste management through creating pollution prevention committees at selected sites, educational programs and demonstrating the proper use of natural resources in daily school operations. By the second year 200 tons diversion is expected.		
Target Area:	West Des Moines Community School District Boundaries		

Black Hawk County Conservation Board		Forgivable Loan:	\$19,960
2410 W. Lone Tree Rd.		Zero Interest Loan:	\$0
Cedar Falls, IA 50613		3% Interest Loan	\$0
		Total Award Amount:	\$19,960
		Cash Match:	\$86,654
		In-Kind Match:	<u>\$0</u>
		Local Match:	\$86,654
		Total Project cost:	\$106,614
Project Title:	Gene and Betty Buckles Program Center		
Contact:	Jim Weimer 319-277-2187		
Project Type:	Education		
Applicant:	Local Government		
Description:	The applicant will use recycled content products and other green building concepts to construct the Buckles Program Center. The Center will replace the existing Learning Lab at the Hartman Reserve Nature Center.		
Target Area:	Black Hawk County and Northeast Iowa		

Liz Christiansen reviewed how the program works with the purpose being to divert material from landfill. She pointed out that the department had targeted certain materials for reduction such as wood waste and tires and that several of the proposed grants targeted those same materials for recycling.

There was a brief discussion pertaining to the details of the Ottumwa/Wapello County Solid Waste Commission; Simpson College; Terrill Plastics; and the Wisconsin EPS – Iowa projects.

Terry Townsend questioned the local matches for the River Cities Management L.L.C. and Western States Appliance Recycling projects. He stated that they were considerably low as compared with other projects.

Leslie Leager from the Waste Management Division stated that In-Kind match for both of those projects had been inadvertently left off and that she would supply the correct information to the commission.

Kathryn Murphy arrived at this point in the morning (10:20 a.m).

Deputy Director Wilson stated that over the years the Commission has had concerns with duplication of awarding loans or grants to similar types of projects. He commented that he saw projects in this current list that were very similar to projects they looked at last year and the year before. He stated that when the Legislature structured the Waste Management Division, they had several criteria on how to reduce solid waste in the state. Staff used all of that code language in developing rules to set forth how to award these grants and loans. He questioned if the staff or commission has thought about having in-depth discussions to take a look at how they are making decision on these dollars. He asked if we are setting up a lot of companies in this state for failure

by duplicating too many of these very similar projects or companies. This practice was all right in the beginning because it allowed for more education or demonstration types of projects to be held through out the state. However Deputy Director Wilson felt that the program has matured to the point that we have enough business out there that we may be setting up business in the future that may be in trouble from the beginning.

Liz Christiansen agreed with Mr. Wilson in the fact that the program had matured a great deal. She said that we still have some identified gaps, such as styro-foam and wood waste. She feels that these types of projects still merit our sponsorship, research and development, and business assistance. She stated that we do keep track of how these funds are awarded according to the hierarchy, with reduction being first, followed by recycling, reusing, composting, waste energy etc. She related that she would be very interested in discussing the issue further with the commission and staff. She also stated that they are beginning to see the benefits from the loan program come back to us, so that it is regenerating itself to some extent. She stated that the staff are starting to come forward with ideas of their own to target certain projects whose needs that they feel are not sufficiently met.

Rozanne King asked if the specific areas that have specific needs being tracked some where on a map.

Liz Christiansen stated that they ask for the assistance of Iowa Society of Solid Waste Operations to come in and help review the projects. They assist in identifying the areas that are in need of specific projects.

Darrell Hanson suggested, perhaps using the Department of Economic Development or one of the Economic Departments at the University to do the economic analysis needed to help us make the decisions as to whether the market has matured in a certain area.

Liz Christiansen stated that they had just completed a strategic planning session with planners, Iowa Society of Solid Waste Operations, and Iowa Recycling Association, and they helped identify some gaps that they would like to target.

Leslie Leager stated that for River Cities Management L.L.C. the in-kind match is 1.4 million dollars, and for Western States Appliance Recycling the in-kind match is around 25,000 dollars.

Motion to approve was made by Darrell Hanson. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

PUBLIC PARTICIPATION

Lindsey Larsen (Manure Management Plan)

Lindsey Larsen, Director of the Iowa Farm Bureau Federation for Central Iowa, distributed a letter to the commissioners from Edward Wiederstein, President of the Iowa Farm Bureau Federation. Mr. Larsen addressed the commission concerning the petition requested by Representative Houser concerning submission of manure management plans prior to construction of facilities that do not require permits. He stated that the legislature required that the commission look at the rule change for the operations that do not require permits. He stated that currently those non-permitted facilities are required to submit the manure management plan 60 days prior to their first application of manure. They believe that the new rule would allow the public to comment on that site before it is fully constructed, as well as allow the field offices to address complaints about the site as it is being constructed. Mr. Larsen then addressed the concerns from a letter written by Wayne Geiselman of the Department of Natural Resources, which outlined the Department opposition to the petition. Mr. Geiselman was concerned that additional field visits would have to be made. Mr. Larsen stated that the Department was already required to investigate complaints and perform field visits. They are also currently required to do field visits to enforce the law as it stands. He stated that they were not asking for any additional workload, they were instead asking for a change in the timing of the visits. Mr. Larsen stated that they were aware of the back log of manure management plans being reviewed, but believed that the increase in full time employees, from two when the law was passed in 1995 to the total of 20 now, will allow the Department to work with that back log and get itself caught up. He also said that there was an additional \$105,000 approved for the Department to do some contracting to help with the backlog of reviews. Mr. Larsen stated that it was their belief that the resources were there and that the Department of Natural Resources had the people to get this caught up in time. He reiterated that they were not asking for an increase in the current workload, they only wanted to change the timing. Mr. Larsen addressed Mr. Gieselman's concern about how the Department would stop the construction of a site when it is found that construction was started before the plan was submitted. Mr. Larsen responded by stating that an administrative order can be issued to stop construction if they deem that necessary. He admitted that the process would require some time and effort but that it could be done. He concluded by asking the commission to look at this petition as a way of allowing the public to have further input on the construction of these non-permitted facilities. He stated that the submission of those plans, before the construction is started, would allow a check and balance system to be used in alleviating any further possible mistakes, possible concerns, possible fallacies in those manure management plans.

Darrel Hanson asked Mr. Larsen to expand on his statement that he did not anticipate an increase in the number of field visits over the next 3 to 5 years.

Mr. Larsen state that he anticipated that as producers became better at inspecting their own buildings and sites that he would expect the number of field visits to remain relatively stable or possibly even to decrease.

Darrell Hanson stated that it was his opinion that there would be a one time spike in field visits due to trying to deal with the current work load and with the requirement of the new rule.

Mr. Larsen stated that submission was the key word, because the new rule does not say that approval is required before construction can begin, it states that submission of the plan is required prior to construction. Therefore once a plan is submitted to the Department of Natural Resources and becomes a matter of public knowledge, construction can begin.

James Braun stated he thought it was a good first step in the right direction, to allow the public some input on what is taking place in their community. He expressed concern with the way the rule was drafted, that it did not accomplish what Representative Houser wanted to accomplish. He stated that with the way the proposed rule change was drafted, a company could send the manure management plan into the Department, they could call and see if it arrived at the Department and as soon as they confirmed it had arrived they could begin construction. Thus not allowing the public any opportunity to do anything more than what they can do right now.

Lindsey Larsen stated that he thought that the majority of the companies would submit the manure management plans as they would want it to be approved. He stated that they know that the Department has had higher percentage of manure management plans submitted that have not met every aspect of the law and they have had to review those and make some changes. But he said he thought as time goes on and people learn how to do them better, he believed that people would submit better manure management plans that would meet the requirements and would be satisfactory with the law.

James Braun stated the ability to begin construction simply by the submission not by the approval, allows a lot of leniency. He said that the public perception of the Department of Natural Resources has not been very good over that last five years in the area of the construction of confinement facilities. He said this was because the Department really doesn't have much authority other than to rubber-stamp the permitted units if they meet the minimal requirements, and that we have no real authority over the non permitted units. His concern is that this proposed rule change would give the perception of authority where no real authority exists.

Lindsey Larsen stated that if the unit violates the plan in any way, then even they would be in violation and be dealt with.

James Braun agreed, but stated that it would be after construction was completed.

Lindsey Larsen stated that he felt Representative Houser's intent was not to say that we instantly have to catch up with the back log.

James Braun ask what the Farm Bureau would think about inserting in the proposed rule that the manure management plan be submitted to the County Board of Supervisors, along with the requirement that they put a public notice in the newspaper.

Lindsey Larsen answered that he did not know and would have to ask the delegates. He said that this petition did not specifically address that issue.

James Braun stated that if the goal of this petition is public notification then it would be better if the manure management plan was submitted to both the Department and the County Board of Supervisors and that the Board of Supervisors would then put a public notice in the paper, thus verifying that there is public notice.

Lindsey Larsen said that Wayne Gieselman's comment in his letter was that almost without exception when there is a facility to be built the public knows about it, adding that word travels very quickly.

James Braun stated that it is often the case that the public does not know about a proposed facility until the crawlers move in and begin working, which is what frustrates the public.

Darrell Hanson stated that in their office they receive calls from people that have received misinformation about proposed facilities. And that the rumors of the facilities that are not proposed cause more stress than when the public knows the facts about an actual facility.

Larry Wilson stated that when HF519 was promulgated, there was a great deal of opposition to notifying the County Supervisors about proposed confinement facilities.

Rozanne King asked if the majority of opposition was because of a fear that there would be intimidation used against the people that allowed manure application on their ground.

Larry Wilson agreed, and said that he felt it would be better to be specific and saying this is where it is going to be, so that questions and concerns from the public can be addressed.

James Braun stated that the County Board of Supervisors should be informed what is going on in their county and should be responsible for public notification. The Department should receive the manure management plan and make sure that it is valid. He said he did not think the Department should have the responsibility of the notification process. He said he was concerned about the heat coming back on the Department of Natural Resources for not taking care of their taxpayer mandated responsibility for the environment, when it is something that really should be taken care of in the local area.

Rita Venner said she thought in this instance you would not be giving the County Board of Supervisors any local control, but you would be giving them an obligation to inform people. And by allowing the Board of Supervisors to have that responsibility of notification it may ease some of the concerns of the public.

Lindsey Larsen said that this petition does not deal with that specific issue.

Debbie Neustadt (Manure Management Plan)

Debbie Neustadt with the Sierra Club addressed the commission concerning the petition for rulemaking requested by Representative Houser concerning submission of manure management plans prior to construction of facilities that do not require permits. She said that the Sierra Club believes that these changes represent a step that will lead to an informed public. She said that they realize that the petition does not require that public notice be given, but it does require that the Department know about the plans to build a facility. She said that requiring public notification would be the next logical step for the rule making procedure. The Sierra Club is very much in favor of public notification and that is why they support this petition. She said that with this rule change the public would be able to call the Department for verification of a proposed facility. She addressed Wayne Gieselman's letter of response to the petition, in regard to the on-site visits. She said that the Sierra Club believes that on-site visits will help with the construction and management of these sites. She said that the petition, in point nine, asks that the Department log identifying information regarding the confinement feeding operations upon receipt of the manure management plan. She said that she has looked over the ways that the Department keeps track of the permits, and that the information was kept on something similar to the yellow legal pad she held in the air. She believes that point nine of the petition would require better record keeping methods by the Department, as well as making those records accessible to the public. She stated that the petition asks that all non-permitted confinement feeding operations submit manure management plans prior to construction. She said that she was told by Wayne Geiselman that this essentially would require that all confinement feeding operations be registered. She said that she thought that would give the public a great deal of information about what kind of facilities are out there.

MONTHLY REPORTS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Contested Case Status Report

RULE MAKING STATUS REPORT

Proposal	Notice to Comm	Notice Publish	ARC	Rules Review Comm	Hearing	Comment Period	Final Summary to Comm	Rules Adopted	Rules Publish	ARC	Rules Review Comm	Rules Effective
1. Ch. 22 – 25 – Air Quality Program Rules	5/15/00	6/14/00		*7/05/00	*7/20/00	*7/28/00	*8/21/00	*8/21/00	*9/20/00		*10/03/00	*10/25/00
2. Ch. 40, 41, 42, 43, 81, 83 – Water Supply, Operator Certification and Environmental Lab Certification	5/15/00	6/14/00		*7/05/00	*7/6, 7/7, 7/14, 7/18, 7/19/00	*7/26/00	*8/21/00	*8/21/00	*9/20/00		*10/03/00	*10/25/00
3. Ch. 61 – WQ Standards – Nationwide Permits	10/18/99	11/17/99	9478A	12/14/99	12/10/99	12-20-99	5/15/00	5/15/00	6/14/00		*7/05/00	*7/19/00
4. Ch. 61 – WQ Standards	4/17/00	5/17/00	9839A	6/13/00	6/08, 6/12, 6/15, 6/16/00	*6/30/00	*7/17/00	*7/17/00	*8/09/00		*9/04/00	*9/13/00
5. Ch. 93 – On-Site Wastewater Treatment State Revolving Fund	6/19/00	*7/12/00		*8/07/00			*8/21/00	*8/21/00	*9/30/00		*10/09/00	*10/25/00

VARIANCE REPORT

Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Fort Madison, City of	Wastewater Construction	Stanley Consultants, Inc.	Bar Racks and Screens	Approved	05/10/00
2	Anamosa Municipal Supply	Water Watersupply Construction	Peoples Service	Installation Procedures	Denied	05/04/00
3	Parkersburg, City of	Wastewater Construction	Ryken Engineering	Pond Influent Piping	Approved	05/24/00
4	Parkersburg, City of	Wastewater Construction	Ryken Engineering	Buried Valves Discharge	Approved	05/24/00
5	Parkersburg, City of	Wastewater Construction	Ryken Engineering	Check Valve Location	Approved	05/16/00

HAZARDOUS SUBSTANCE/EMERGENCY RESPONSE REPORT

During the period May 1, 2000, through May 31, 2000, 94 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Substance					Mode				
	Total Incidents	Agri-Chemical	Petroleum Products	Other Chemicals	Transport	Fixed Facility	Pipeline	Railroad	Fire	Other
October	62 (50)	6 (7)	48 (25)	5 (14)	32 (24)	23 (18)	1 (2)	2 (0)	0 (0)	4 (6)
November	64 (56)	10 (7)	38 (35)	15 (7)	26 (25)	30 (28)	1 (2)	3 (0)	1 (0)	3 (1)
December	67 (35)	10 (4)	40 (20)	17 (7)	23 (12)	34 (18)	1 (2)	4 (0)	0 (0)	5 (3)
January	42 (39)	4 (0)	28 (18)	9 (8)	13 (7)	25 (30)	1 (0)	0 (0)	0 (0)	3 (2)
February	64 (54)	2 (3)	32 (28)	30 (9)	14 (22)	47 (29)	0 (1)	0 (0)	1 (0)	2 (2)
March	96 (56)	20 (10)	64 (33)	12 (5)	43 (24)	45 (24)	2 (1)	0 (0)	0 (0)	6 (7)
April	111 (81)	38 (23)	42 (37)	31 (8)	38 (40)	62 (36)	0 (1)	0 (0)	3 (0)	8 (4)
May	94 (88)	25 (33)	56 (42)	13 (5)	37 (47)	51 (32)	0 (3)	2 (0)	0 (0)	4 (6)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	600 (459)	115 (87)	348 (238)	132 (63)	226 (201)	317 (215)	6 (12)	11 (0)	5 (0)	35 (31)

(Numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
20	10	10	11	30	13

MANURE RELEASES REPORT

During the period May 1, 2000, through May 31, 2000, 1 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents	Feedlot	Confinement	Land Application	Transport	Hog	Cattle	Fowl	Other	Surface Water Impacts
October	6 (0)	0 (0)	3 (0)	2 (0)	1 (0)	6 (0)	0 (0)	0 (0)	0 (0)	2 (0)
November	4 (0)	0 (0)	2 (0)	1 (0)	1 (0)	3 (0)	1 (0)	0 (0)	0 (0)	0 (0)
December	2 (0)	0 (0)	1 (0)	1 (0)	0 (0)	1 (0)	1 (0)	0 (0)	0 (0)	0 (0)
January	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
February	1 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	1 (0)	0 (0)	1 (0)	0 (0)	0 (0)	1 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	1 (0)	0 (0)	1 (0)	0 (0)	0 (0)	0 (0)	1 (0)	0 (0)	0 (0)	1 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	15 (0)	0 (0)	8 (0)	4 (0)	0 (0)	11 (0)	3 (0)	0 (0)	0 (0)	3 (0)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
0	0	0	1	0	0

ENFORCEMENT STATUS REPORT

The following new enforcement actions were taken last month:

<u>Name, Location and Field Office Number</u>	<u>Programs</u>	<u>Alleged Violation</u>	<u>Action</u>	<u>Date</u>
Alliant Energy Corporation d/b/a Alliant Transportation, Williams (2)	Air Quality	Fugitive Dust	Order/Penalty \$10,000	5/04/00
National By-Products, Inc., Clinton (6)	Air Quality	Construction Without Permit	Consent Amendment	5/04/00
The Burlington Northern and Santa Fe Railway Co. d/b/a Burlington Northern Santa Fe Railroad, Burlington (6)	Air Quality	Construction Without Permit	Order/Penalty \$4,000	5/09/00

Environmental Protection Commission Minutes

June 2000

Kenny Kettwig d/b/a North Iowa Pumping, Marble Rock (2)	Animal Feeding Operation	Uncertified Applicator	Order/Penalty \$1,000	5/09/00
Tom Eischen, Kossuth Co. (2)	Animal Feeding Operation	Construction Without Permit	Order/Penalty \$500	5/09/00
Leo Pieper, Guthrie Co. (4)	Animal Feeding Operation	Prohibited Discharge – Confinement; Water Quality Violation – General Criteria	Order/Penalty \$2,500	5/09/00
Alta Vista Property Owners Assoc., Ames (5)	Drinking Water	Monitoring/Reporting – Bacteria, Other Inorganics, Radioactivity; Operational Violations; Public Notice	Order/Penalty \$1,000	5/09/00
Hillsdale Mobile Home Park, Ames (5)	Wastewater	Discharge Limits	Order	5/11/00
Hagie Manufacturing Co., Clarion (5)	Air Quality	Construction Without Permit	Order/Penalty \$1,000	5/11/00
Jet Co., Inc. Humboldt (2)	Air Quality	Construction Without Permit	Order/Penalty \$1,000	5/11/00
Top of Iowa Cooperative, Hanlontown (5)	Air Quality	Construction Without Permit	Order/Penalty \$3,000	5/11/00
Western Iowa Limestone, Inc., Logan (5)	Air Quality	Construction Without Permit	Order/Penalty \$500	5/11/00
H & H Trailer Co., Braddyville (4)	Air Quality	Construction Without Permit	Order/Penalty \$1,000	5/11/00
Begley Co. d/b/a Concord Custom Cleaners, Iowa City (6)	Air Quality	Other	Consent Amendment	5/11/00
Harold Trask, Wright Co. (2)	Solid Waste	Illegal Disposal	Order/Penalty \$2,000	5/11/00
Kossuth Co. Sanitary Landfill, Kossuth Co. (2)	Solid Waste	Other	Order	5/11/00
Dan Claar and Kelley Claar d/b/a Claar	Solid Waste Air Quality	Illegal Disposal; Open Burning	Order/Penalty \$500	5/11/00

Construction,
Council Bluffs (4)

Pro Cooperative, Pocahontas (3)	Wastewater	Prohibited Discharge	Order/Penalty \$3,000	5/12/00
Keokuk Ferro-Sil, Inc., Keokuk (6)	Air Quality	Operation Without Permit	Referred to AG	5/15/00
Moravia Lumber Co., Inc.; Terry Spurgin and David Spurgin d/b/a Hawkeye Box & Pallet, Moravia (5)	Air Quality	Open Burning	Order/Penalty \$2,000	5/22/00
Ajinomoto USA, Eddyville	Air Quality	Construction Without Permit	Order/Penalty \$4,000	5/22/00
American Packaging Corp., Story City (5)	Air Quality	Construction Without Permit	Order/Penalty \$6,500	5/22/00
Excel Corporation; Excel Specialty Products, Inc., Orange City (3)	Wastewater	Pretreatment	Order/Penalty \$10,000	5/22/00
Orange City, City of (3)	Wastewater	Discharge Limits	Order/Penalty \$3,000	5/22/00

SUMMARY OF ADMINISTRATIVE PENALTIES

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Keith Owens and Howard Maurer (Wilton)	UT	3,100	1-01-96
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
* Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.)	AQ/SW	9,230	6-05-97
Sale-R-Villa Const., Inc. (Perry)	AQ	7,000	4-28-98
Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle)	WW	1,500	5-05-98
Albert Fleming (Clayton Co.)	FP	2,000	9-06-98
# Vande Haar Dairy Farm (Marion Co.)	AFO	3,000	9-15-98
Leland DeWitt (Louisa Co.)	AQ/SW	3,000	11-21-98
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99

Plantation Village Mobile Home Park (Burlington)	WS	500	3-13-99
Plantation Village Mobile Home Park (Burlington)	WW	2,000	3-13-99
* Home Asbestos & Lead Abatement Services (Johnston)	AQ	1,150	6-15-99
* Orrie's Supper Club, Inc. (Hudson)	WS	390	6-01-99
Charlie's Supper Club (Algona)	WS	100	7-01-99
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	7-26-99
Capitol Oil Co. (Oxford)	UT	6,560	10-09-99
# Gary Frana (Winneshek Co.)	AFO	3,000	10-13-99
* Randy Foth d/b/a Foth Lumber Co. (Livermore)	AQ	1,000	11-01-99
* Robert Simon (Dubuque Co.)	AQ/SW	2,000	11-01-99
* Hidden Valley Mobile Home Park (Washington)	WW	200	12-12-99
* Minifarm Acres, Inc. (Cedar Co.)	WS	375	1-29-99
James Harter (Fairfield)	WW	1,800	1-29-00
Dennis Sharkey, Sr.; Dennis Sharkey, Jr. (Dubuque Co.)	AQ/SW	2,250	2-11-00
Dorchester Supper Club (Dorchester)	WS	100	3-08-00
10 th Hole Food & Spirits (Calamus)	WS	1,000	3-14-00
Jerry L. Roney (Huxley)	UT	2,000	3-25-00
Joe Denemark d/b/a Walnut Acres Campground (Monticello)	WS	1,000	4-15-00
D/S Land Company, L.C. d/b/a The Outer Edge (Mason City)	WS	300	4-25-00
* Ben Haven Mobile Home Park	WS	300	6-01-00
* Steven Reimers (Schaller)	AQ/SW	2,070	7-01-00
Kenny Habben (Pioneer)	AQ	5,000	5-05-00
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
Weber Construction, Inc. (Cascade)	AQ	4,000	5-26-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
* Mount Joy Mobile Home Park (Davenport)	WW	1,000	5-30-00
* Scott Paulson (Forest City)	AQ/SW	500	6-01-00
* Holland Contracting Corp. (Forest City)	AQ	2,000	6-01-00
Aluminum Company of America (ALCOA) (Riverdale)	AQ	1,500	6-05-00
Steve Friesth (Webster Co.)	AQ/SW	4,000	6-05-00
Iowa Beef Processors, Inc. (IBP) (Columbus Junction)	AQ	4,500	6-06-00
The Barn (Sherrill)	WS	1,000	6-06-00
Coastal Mart, Inc. (5 locations)	UT	3,500	6-09-00
Rockwell City, City of	WW	3,500	6-10-00
Country Hills Water Corporation (Peosta)	WS	500	6-12-00
Martin Marietta Materials, Inc. (Ames)	AQ	5,000	6-12-00
Don Casterline; Myron Casterline (Van Wert)	UT	2,000	6-14-00
* R.V. Hopkins, Inc. (Davenport)	AQ	6,200	6-16-00
Wendy Oaks Mobile Home Park (Cedar Rapids)	WS	1,500	6-20-00
* Underwood Motel (Underwood)	WS	1,000	6-30-00
Alliant Energy Corp. d/b/a Alliant Transportation (Williams)	AQ	10,000	7-11-00
# Tom Eischen (Kossuth Co.)	AFO	500	7-11-00
Harold Trask (Wright Co.)	SW	2,000	7-12-00
Alta Vista Property Owners Assn. (Ames)	WS	1,000	7-12-00
# Leo Pieper (Guthrie Co.)	AFO	2,500	7-14-00
Hagie Manufacturing Company (Clarion)	AQ	1,000	7-14-00
H & H Trailer Company (Braddyville)	AQ	1,000	7-14-00
Western Iowa Limestone, Inc. (Logan)	AQ	500	7-14-00
Top of Iowa Cooperative (Hanlontown)	AQ	3,000	7-14-00
American Packaging Corp. (Story City)	AQ	6,500	7-23-00
Ajinomoto USA (Eddyville)	AQ	4,000	7-23-00

Pro Cooperative (Pocahontas)	WW	3,000	7-23-00
Orange City, City of	WW	3,000	7-24-00
Excel Corporation (Orange City)	WW	10,000	7-24-00
Moravia Lumber Co.; Terry Spurgin and David Spurgin d/b/a Hawkeye Box & Pallet (Moravia)	AQ	2,000	7-24-00
Sky Line Inn (Dubuque)	WS	500	----
Plum Enterprises; Clinton Graham (Polk Co.)	SW	1,000	----
Deer Ridge Estates (Ottumwa)	WS	100	----
Burlington Northern Santa Fe Railroad (Burlington)	AQ	4,000	----
TOTAL		195,550	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
Wunschel Oil, et.al. (Battle Creek)	UT	4,400	12-23-96
Tire-Tech Environmental Systems, Inc. (Muscatine)	SW/WW	2,500	
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
Action Jack's Paintball Park (Polk Co.)	SW/FP	10,000	11-07-98
##Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Spillway Supper Club (Harpers Ferry)	WS	100	3-14-99
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	10,000	
Norman Klynsma d/b/a OK One Stop Service (Hospers)	UT	2,460	6-08-99
Peter Orth f/d/b/a Strauss Bros. Conoco (Burlington)	UT	9,400	1-31-00

Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt (Des Moines Co.)	AQ/SW	1,000	7-01-00
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
TOTAL		137,014	

The following administrative penalties have been appealed:

Frank Hulshizer (Benton Co.)	SW	500
Tom Wiseman (Sheffield)	UT	3,500
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
American Coals Corporation - Site #5 (Bussey)	AQ/SW	10,000
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Jim Foust (Indianola)	SW	2,175
Titan Wheel International, Inc. (Walcott)	WW	10,000
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Leonard C. Page (Adams Co.)	SW	3,000
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.)	WW	3,000
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Clarence, City of	WW	3,000
Dallas County Care Facility (Adel)	WW	2,500
Gary Walker (Montgomery Co.)	AQ/SW	3,000
Lamoni, City of	WW	1,000
Margaret and Gene Palmersheim d/b/a G & M Service Mart (Greeley)	UT	1,500
#Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Richard Sprague (Tripoli)	AQ/SW	5,000
Bellevue Golf Club, Inc. (Bellevue)	WS	300
Cliff's Place, Inc. (Waverly)	WS	1,500
Sylvan Acres (Janesville)	WS	1,000
Brittany Estates Addition (Manchester)	WS	4,000
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Iowa Waste Systems, Inc.	SW	9,000
Biovance Technologies, Inc. (Oskaloosa)	AQ	4,000
Keokuk Steel Castings Co., Inc. (Keokuk)	AQ	5,000
# Austin J. DeCoster (Nursery 8) (Wright Co.)	WW	1,000
Sac City, City of	WW	4,000
Pathway Christian School (Kalona)	WS	500
Wiese Corporation (Perry)	AQ	5,000
West Liberty, City of	WW	5,000
The Legacy Group, L.C. (Des Moines)	WW	10,000
The Elm's Corporation of Linn County (Cedar Rapids)	UT	4,700
Robert Diehl (Clarke Co.)	WW/WS	5,000
Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000
Keokuk Steel Castings Co., Inc. (Keokuk)	AQ	10,000
# Bernadette Ryan (Delaware Co.)	AFO	3,000
Lonnie King (Marion Co.)	AQ/SW	1,600

West Union Cooperative Co. (West Union)	WW	10,000
Country Terrace Mobile Home Court (Boone)	WW	5,000
Country Terrace Mobile Home Court (Boone)	WS	5,000
Dayton, City of	WW	10,000
# Peter Bockenstedt (Dubuque Co.)	AFO	3,000
# Dan Gotto (Dubuque Co.)	AFO	3,000
# Matthew Daly (Dubuque Co.)	AFO	3,000
Westside Park for Mobile Homes (Burlington)	WW	7,000
Woolstock, City of	WW	5,000
Iowa Waste Systems, Inc.	SW	7,500
Gerald and Judith Vens (Scott Co.)	FP	5,000
Snap-On Tools Company (Algona)	AQ	1,500
Hargrave-McEleney, Inc. (Iowa City)	WS	1,000
CGB Printing Co. a/k/a Rock Communications Ltd. (Newton)	AQ	10,000
Affordable Asbestos Removal, Inc.; Jeffry Intlekofer (Ft. Madison)	AQ	10,000
Muscatine County Sanitary Landfill	SW	10,000
Fibred-Iowa, Inc. (Iowa Falls)	AQ	2,000
Case Corporation (Burlington)	AQ	3,000
#Eugene P. Reed, Ltd. (Henry Co.)	AFO	1,500
Shine Bros. Inc. (Spencer)	AQ	10,000
Julie Rowe d/b/a Jewell's Food & Spirits (Troy Mills)	WS	1,000
Rollin McAdams d/b/a McAdams Demolition Co. (Davenport)	AQ	3,000
Dave & Theresa Cook d/b/a Curry Environ. Svc.(Burlington)	AQ	10,000
McGregor, City of	WS	5,000
Fernald Water System	WS	10,000
Brown Bottle Restaurant (Cedar Falls)	WS	7,000
Lorene Logue; Lester Holmes; Todd Holmes (Lucas County)	AQ	4,500
Sac County Golf and Country Club (Wall Lake)	WS	3,000
Tara Hills Country Club (Van Horne)	WS	500
Barilla America Inc. (Ames)	AQ	10,000
Michael Roberts (Page Co.)	AQ	1,500
Osceola, City of	WW	5,000
Rocky Knoll Mobile Home Park (Forest City)	WS	3,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
GK Properties, Inc.; Greenwood Hills Estates, L.C. (Dallas Co.)	WW	6,500
Oakview Construction, Inc. (Red Oak)	AQ/SW	2,000
Omaha Cold Storage Terminals, Inc. (Ft. Dodge)	WW	1,500
Edward Degeus (Britt)	AQ	3,000
Fort Dodge, City of	WS	5,000
Aaron Berry (Pottawattamie Co.)	AQ/SW	1,500
Solar Transport, Inc. (West Des Moines)	UT	2,000
# Mark Shipman (Corwith)	AFO	1,000
Pine Creek Par 31 Golf Course (Mason City)	WS	1,250
Bonaparte, City of	AQ/SW	10,000
Dave Thompson (Hancock Co.)	SW	2,000
Wendall Abkes (Butler Co.)	AQ/SW	3,000
Benefit Water District #2 (Boone Co.)	WS	2,500
Minsa Corporation (Red Oak)	WW	10,000
Dennis Severson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500
Bruening Rock Products, Inc. (Decorah)	WW	8,000
Minnesota Rubber Company (Mason City)	AQ	3,000

New Virginia Sanitary District (New Virginia)	WW	5,000
Meadowknolls Addition (Linn Co.)	WS	1,500
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000
Ainsworth, City of	WW	1,000
Hawkeye Leisure Trailers, Limited (Humboldt)	AQ	2,000
Caraustar Paperboard Co. d/b/a Tama Paperboard (Tama)	AQ	1,000
ALMACO, Inc. (Nevada)	AQ	1,000
Delaware County Conservation Board	WS	1,000
LT Tap (Waucoma)	WS	500
Kirk Latta (Wilton)	WS	10,000
IBP, Inc. (Columbus Junction)	SW	1,000
John Morrell & Co. d/b/a Curly's Foods (Sioux City)	AQ	2,500
Iowa State University Heating Plant (Ames)	AQ	1,000
Shelby's (Hazelton)	WS	500
Heinz U.S.A. (Muscatine)	AQ	5,000
Dan and Kelley Claar d/b/a Claar Constr. (Council Bluffs)	AQ/SW	500
Iowa Air National Guard – 185 th Fighter Wing (Sioux City)	AQ	1,000
Kenny Kettwig d/b/a North Iowa Pumping (Marble Rock)	AFO	1,000
Minnesota Mining and Manufacturing d/b/a 3M (Knoxville)	AQ	1,000
Jet Co. Inc. (Humboldt)	AQ	1,000
Winter Mobile Home Park (New Hampton)	WS	1,000
John Deere Waterloo Works – DDS (Waterloo)	AQ	7,000
TOTAL		461,975

The following administrative penalties were paid last month:

Full Moon Saloon (Jesup)	WS	100
* Scott Paulson (Forest City)	AQ/SW	150
* Ivan Stoltzfus (Decatur Co.) PAID IN FULL	WW	2,200
Red Oak Lanes; Richard Culver (Red Oak)	SW	2,500
Wilcox All-Pro Tool & Supply (Poweshiek Co.)	WW	500
Fairfield, City of	AQ/SW	2,500
Underwood Motel (Underwood)	WS	1,000
Pictured Rocks Methodist Camp (Monticello)	WS	100
Larry Maasdam and Kim Ahrends (Clarion)	SW	3,000
Life Line Emergency Vehicles, Inc. (Sumner)	AQ	4,000
Flying J Inc. (Clive)	WW/UT	6,000
* Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.)	AQ/SW	100
* Holland Contracting Corp. (Forest City)	AQ	500
Klunder's Kafe (New Hampton)	WS	100
Begley Company d/b/a Concord Custom Cleaners (Iowa City)	AQ	500
Anthony's Resort (Sherrill)	WS	500
* Steven Reimers (Schaller)	AQ/SW	215
Fremont County Sanitary Landfill (Fremont Co.)	SW	1,000
* Ben Haven Mobile Home Park	WS	50
National By-Products, Inc. (Clinton)	AQ	900
Kind and Knox Gelatine (Sioux City) (Stipulated Penalty)	WW	51,200
* R.V. Hopkins, Inc. (Davenport)	AQ	500
K Mart (Oelwein)	WS	500
Crawfordsville, City of	WS	150
Winneshiek Co. Memorial Hospital (Decorah) (Pd. 10/25/99)	AQ	600

TOTAL 78,865

The \$3,600 penalty assessed to Tom Babinat d/b/a Tom's Car Care (Grundy Center) has been dismissed without prejudice.

The \$600 penalty assessed to Donald Krieger (Terrill) has been dismissed without prejudice.

The \$5,400 penalty assessed to Roy Burger (Gillette Grove) has been dismissed without prejudice.

ATTORNEY GENERAL REFERRALS

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Adrian, Dean Clinton Co. (6) UPDATED	Animal Feeding Operation	Prohibited Discharge- Open Feedlot; Water Quality Violations- General Criteria	Referred to Attorney General	Referred Petition Filed Trial Date	3/15/99 9/13/99 2/26/01
Affordable Asbestos Removal, Inc.; Jeffrey Intelkofer Iowa City (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/20/00 4/19/00
Ballard, Randy Fayette Co. (1)	Flood Plain	Construction Without Permit	Order/Penalty	Referred Petition Filed Trial Date	5/29/96 6/05/98 6/08/00
DeCoster, Austin J. Sow Unit #11; Nursery Unit #7 Wright Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consolidated With Nursery Unit #4 (See Below)	6/20/97 3/20/98
DeCoster, Austin J. Nursery Unit #4 Wright Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Trial Date Post Trial Brief Ruling on Petition (\$25,000/Civil) Defendant's Notice of Appeal Defendant's Brief State's Brief	8/18/97 3/20/98 3/16/99 3/30/99 5/28/99 6/24/99 11/01/99 2/04/00
DeCoster, Austin J. Nursery M-1 Lucas Co. (5)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Consolidated with Nursery M-1 (See Below)	11/16/98 4/24/00
DeCoster, Austin J. Nursery M-1 Lucas Co. (5)	Animal Feeding Operation	Prohibited Discharge – Confinement; Failure to Report a Discharge	Referred to Attorney General	Referred Petition Filed	12/20/99 4/24/00
Enviro Safe Air, Inc. Sioux City (3)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	10/18/99 03/17/00
Grell, Don d/b/a Dodger Enterprises	Solid Waste	Illegal Disposal	Judicial Review	Petition Filed State's Answer	10/19/98 11/17/98

Environmental Protection Commission Minutes

June 2000

Ft. Dodge (2)				Defendant's Brief	7/23/99
				State's Brief	8/24/99
				Hearing	9/09/99
				Ruling for State	11/18/99
				Notice of Appeal	12/07/99

Guardian Industries Corp. DeWitt (6)	Air Quality	Operation Without Permit; Emission Standards; Operational Violations	Referred to Attorney General	Referred	4/17/00
Harbach, Randy d/b/a Randy' Sanitation Delhi (1)	Air Quality Solid Waste	Open Burning Illegal Disposal	Referred to Attorney General	Referred	4/17/00
Hawkins, Ralene d/b/a R.J. Express Salvage and Demolition Burlington (6)	Solid Waste	Illegal Disposal	Order/Penalty	Referred	4/17/00
Henry County Board of Supervisors Henry Co. (6)	Wastewater	Other; Operation Violations	Referred to Attorney General	Referred	2/15/99
Holnam Incorporated Mason City (2)	Air Quality	Excess Emissions	Referred to Attorney General	Referred	3/15/99
Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/94 4/18/96 9/20/96 9/20/96
Indian Creek Corp. Jasper Co. (5)	Animal Feeding Operation	Failure to Retain; Freeboard Violations; Failure to Have Approved MMP	Referred to Attorney General	Referred	4/17/00
Iowa Millenium Investors, LLC Des Moines (5)	Underground Tank	Site Assessment	Order/Penalty	Referred	10/18/99
Iowa Select Farms, L.P. Clarke Co. Sow Unit #20 Jernquist Nursery Clarke & Ringgold Co. (4)	Animal Feeding Operation	Prohibited Discharge; Failure to Retain	Referred to Attorney General	Referred	4/17/00
Keokuk Ferro-Sil, Inc. Keokuk (6) NEW	Air Quality	Operation Without Permit	Referred to Attorney General	Referred	5/15/00
Klynsma, Norman d/b/a OK One Stop Service Hospers (3)	Underground Tank	Site Assessment	Order/Penalty	Referred	3/20/00

LaFarge Corporation Davenport (6)	Air Quality	Excess Emissions	Referred to Attorney General	Referred	3/15/99
Larson, Daryl Jones Co. (1)	Animal Feeding Operation	Freeboard Cleanup Costs	Referred to Attorney General	Referred	5/17/99
Ledenbach, Jim d/b/a Paper Recovery Cedar Rapids (1)	Solid Waste	Illegal Disposal	Order/Penalty	Referred	4/17/99
Lehigh Portland Cement Co. Mason City (2) UPDATED	Air Quality	Construction Without Permit	Referred to Attorney General	Referred Petition Filed Trial Date	8/17/98 11/05/99 4/09/01
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
Mills County Landfill Assn. & Remonot County Landfill Assn. Mills Co. (4) UPDATED	Solid Waste	DNR Defendant	Defense	Petition Filed Answer Filed Trial Date	11/05/99 11/29/99 10/23/00
Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co. (5)	Solid Waste	Illegal Disposal	Order/Penalty	Referred	2/15/99
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction	12/15/97 10/02/98 2/04/99 4/19/99
Orth, Peter J. f/d/b/a Strauss Bros. Conoco Burlington (6)	Undergrou nd Tank	Site AssessmentRemedial Action	Order/Penalty	Referred	3/20/00
Phillips, Jeff; Phillips Recycling Story Co. (5)	Wastewater	Stormwater; Operation Without Permit	Order/Penalty	Referred	8/16/99
Spillway Supper Club Harpers Ferry (1)	Drinking Water	Permit Renewal Fee	Order/Penalty	Referred	6/21/99
Swine Graphics Enterprises, Inc. Tama Co. (5)	Animal Feeding Operation	Manure Management Plan; Manure Over- Application; Animal Weight Exceedance	Referred to Attorney General	Referred	3/20/00

Village Realty Pottawattamie Co. (4)	Underground Tank	DNR Defendant	Defense	Petition Filed State's Motion to Dismiss Order Granting Partial Dismissal Motion for Summary Judgment Hearing Ruling Denying Motion for Summary Judgment	8/12/98 10/08/98 12/22/98 1/27/00 2/22/00 3/16/00
White, Robert Jeff White, Dave Dallas Center (5)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Dismissed Without Prejudice Petition Against Dave White Filed Answer Filed	4/20/98 2/05/99 9/24/99 11/15/99 12/06/99
Wunschel Oil Co.; Vernus Wunschel and Jacquelyn Wunschel Battle Creek (3)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Motion for Judgment Consent Decree (\$6,400/Admin.) Referred	1/17/95 8/28/96 12/13/96 3/30/98
Zook, Russell d/b/a Haskins Recycling Ainsworth (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	5/17/99

CONTESTED CASES

Date Received	Name of Case	FO	Action Appealed	Program	Assigned To	Status
6/08/89	Lehigh Portland Cement Co.	2	Site Registry	HW	Murphy	5/30/00 – Notice withdrawn. Case closed.
11/03/89	Bridgestone/Firestone, Inc.	5	Site Registry	HC	Murphy	Hearing continued pending negotiations. Settlement proposed 8/96. Status report requested from land quality bureau 12/1/99.
5/08/90	Texaco Inc./Chemplex Co. Site	6	Site Registry	HW	Murphy	Settlement offer to be renewed 3/00.
5/14/90	Alter Trading Corp. (Council Bluffs)	4	Admin. Order	SW	Tack	Permit issued. District court suit dismissed. Field Office overseeing compliance. Progress reports received.
6/20/90	Des Moines, City of	5	NPDES Permit Cond.	WW	Hanson	EPD met with City to resolve appeal issues. Follow-up with EPD regarding status-3/97. 12/28/99 – F.O. 5 letter to City regarding resolution of permit issues. 3/6/00 – F.O. 5 met with City concerning permit issues.
7/02/90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	6	Site Registry	HW	Murphy	Hearing continued. Status report requested from land quality bureau on 12/1/99.
7/30/90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	Murphy	Decision appealed (Pixler) Site remediation completed. Status report requested from land quality bureau 12/1/99.
9/25/91	Archer Daniels Midland	6	Admin. Order	SW	Tack	DNR engineers reviewing documents. Closure permit issued 1/10/00.
5/12/92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Negotiating within bankruptcy proceeding.
11/16/92	Frank Hulshizer	1	Admin. Order/Penalty	SW	Tack	Settled. Abatement agreement signed 9/21/99. Penalty to be forgiven upon completion of clean-up.
4/05/93	Mapleton, City of	4	WW Operator Certification	WW	Hanson	Under review by EPD. Appeal discussion with EPD staff. 2/28/00 – Letter to City attorney regarding setting for hearing. 3/00 – Dept. reviewing City Engineer's submittal.
7/20/93	Valley Restaurant/Sierp Oil; Mary & Carl Sierp; and Robert Radford (7LTY50)	4	Admin. Order	UT	Wornson	Revised Tier 2 approved. CADR due 6/2/00.
7/12/94	Tom Wiseman (8LTP62)	2	Admin. Order/Penalty	UT	Wornson	Tier 1 completed – awaiting receipt.
8/29/94	B and B Tire and Oil	4	Admin. Order/Penalty	UT	Wornson	Tier 2 submitted. High risk. CADR due 12/31/99. Penalty to be settled.
9/09/94	American Coals Corp., Site 5 (Bussey)	5	Admin. Order/Penalty	SW/AQ	Tack	Consent order sent to parties. Awaiting Dept. of Agriculture resolution.
9/16/94	Wunschel Oil Co.; Vernus Wunschel; Jacquelyn Wunschel; Mark Wunschel (Ida Grove)	3	Admin. Order/Penalty	UT	Wornson	Consent order. SCR received. Revisions to SCR required - overdue. Follow-up letter sent 2/26/96. UST Fund conducting further assessment and free product removal.
9/26/94	James D. Foust	5	Admin. Order/Penalty	SW	Tack	Hearing continued by ALJ because of

						bankruptcy.
10/07/94	Titan Wheel International	6	Admin. Order/Penalty	WW	Hanson	Revised BMR report submitted/reviewed by WW Permits. Letter to facility regarding report. 3/2/00 – Letter to attorney regarding setting appeal for hearing. 3/23/00 – Response received from attorney regarding appeal.
1/13/95	Simonsen Industries, Inc.	5	Admin. Order/Penalty	WW	Hanson	2/28/95 – Submittal by facility's engineer regarding land application of sludge. Under review by WW permits staff. Update requested from WW staff. 2/1/00 – Report on compliance requested from FO and WW staff. 2/2/00 – Permit to be issued to facility. 3/31/00 – Status requested from Dept. engineer concerning issuance of permit.
2/23/95	Lehigh Portland Cement	2	Permit Conditions	WW	Hanson	Informal settlement meeting held on 6/96. Facility to provide status report regarding TSS permit limit by 9/20/96. 12/28/99 Dept. letter to facility attorney regarding setting appeal for hearing and also resolution of the appeal. 1/24/00 – Letter from WW attorney concerning settlement. Additional time requested to resolve issues raised by appeal. 2/22/00 Dept. response to attorney regarding hearing. 2/25/00 – Sent to DIA to be set for hearing. 3/8/00 – Hearing set for 5/19/00. Petition filed with DIA 3/28/00. 4/17/00 – Answer filed with DIA. 5/11/00 – Settled. New permit to be issued by 9/1/00 following submittal of further information by company and issuance of draft permit. Hearing continued to 9/25/00.
3/23/95	American Coals Corp.	5	Admin. Order	SW	Tack	Awaiting consent order approval. Awaiting Dept. of Agriculture resolution.
4/13/95	The Weitz Corp.; Barton Solvents, Inc.	5	Admin. Order	HC	Tack	Remediation plan received 5/27/96.
5/25/95	Fremont County SLF	4	Admin. Order/Penalty	SW	Tack	Settlement offer made 12/16/99. 5/24/00 – Penalty payment received. Closed.
6/20/95	Toledo, City of	5	Permit Conditions	WW	Hanson	WW permits to negotiate settlement. Status of negotiations requested 1/9/96. Dept. letter to facility's engineer regarding resolving appeal. 1/3/00 – Revised WLA and permit limits sent to facility. 1/26/00 – Dept. letter to WW engineer regarding construction schedule to meet revised permit limits. 2/28/00 – Follow-up letter to City regarding construction schedule. 3/20/00 – Response from City attorney with agreement to submit construction schedule by 4/20/00. 4/27/00 – Discussion with City attorney regarding City's schedule.
6/23/95	Leonard C. Page	4	Admin. Order/Penalty	SW	Tack	Settlement offer pending.
7/03/95	Donald J. Foreman d/b/a D & R Feedlots	3	Admin. Order/Penalty	WW	Hanson	2/1/00 – Report on compliance requested from FO. 2/7/00 – Status report received. Response to FO concerning resolving appeal. 3/28/00 Status report received from F.O.
7/05/95	Boyer Valley Co.	4	Admin. Order/Penalty	WW	Hanson	Informal meeting held for 6/7/96. Response from facility due 6/28/96. Response received from facility 7/96. 3/2/00 – Letter to attorney concerning appeal resolution. 3/17/00 – Letter received from company attorney.
7/10/95	Gilbert Persinger/Smithland Store	3	Admin. Order/Penalty	UT	Wornson	SCR received - rejected. Review progress. Proposed for state lead.
8/01/95	Wilbur McNear d/b/a McNear Oil Co./Charter Oak	4	Admin. Order/Penalty	UT	Wornson	SCR received/rejected. Referral for state lead. Resolve penalty.
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/HC	Murphy	Negotiating before filing. Attorneys contacted 2/99.
12/12/95	Vernon Kinsinger; K & K Sanitation	6	Admin. Order/Penalty	AQ/SW	Tack	Clean-up progressing. Working with F.O. #6. Receiving penalty payments.
1/12/96	Clarence, City of	6	Admin. Order/Penalty	WW	Hanson	1/96 - Facility inspected by FO 6. 9/96 letter from facility attorney stating construction completed. 2/1/00 – Status report on compliance requested from FO 6. 2/2/00 – Dept. to send settlement offer to City. City has returned to compliance. 2/28/00 Settlement offer to City attorney. 3/30/00 – Follow-up letter to attorney. 4/21/00 – Contact by new City attorney. City will consider settlement offer at 5/8/00 City Council meeting and respond by 5/20/00.
1/25/96	Hidden Valley Mobile Home Park	6	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
3/11/96	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hanson	Facility inspected by FO. Now in compliance.
3/14/96	Lamoni, City of	5	Admin. Order	WW	Hanson	12/20/99 Dept. letter with new waste load allocation and ammonia nitrogen limits for treatment facility. 1/26/00 – Letter to facility engineer regarding whether construction schedule needed due to new WLA and new effluent limit and setting appeal for hearing. 2/21/00 – Letter from engineer including compliance schedule in response to FO 5. 3/22/00 – Dept. accepted settlement offer from City engineer. Offer to be finalized in consent order with schedule and

						penalty.
3/22/96	Mt. Joy Mobile Home Park	6	Admin. Order/Penalty	WW	Hanson	3/25/96 Inspection by FO 6. Facility in compliance. 2/1/00 Status report on compliance requested of FO 6. 2/2/00 - Facility has returned to compliance. 2/24/00 - Settlement offer sent to MHP. 4/5/00 - Follow-up letter to facility regarding settlement. 5/10/00 - Settled. Awaiting penalty payment.
5/07/96	Lakeview Mobile Home Park	5	Admin. Order/Penalty	WW	Hanson	6/20/96 - informal meeting held. Facility to provide settlement offer by 7/15/96. Settlement offer received from facility - under review. 2.27.99 0 FO contacted regarding appeal resolution.
5/14/96	Gary Lee Walker	4	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
5/16/96	Grand Laboratories, Inc.	3	Permit Denial	WW	Hanson	Information received and reviewed by EPD. Settlement offer and revised permit sent to facility 7/97. Response received 8/97. Under review by EPD. Facility to provide further response and settlement offer to DNR by 3/15/98. 3/13/98 Dept. received proposal from facility engineer. 3/20/98 Dept. review of proposal completed. 8/98 - Letter to Grand Labs rejecting their proposal. 9/25/98 letter from Grand Labs regarding settlement. Grand Labs to submit new settlement 3/99. 5/99 Grand Labs submitted settlement proposal; under review by WW and WQ staff. 2/29/00 - Response received from WQ engineer. Staff reviewing for decision.
6/07/96	Clow Valve Company	5	Permit Conditions	AQ	Preziosi	Permit issued 8/31/98. Letter sent 6/1/00 requesting assurance that all issues have been addressed.
6/10/96	DeCoster Farms of Iowa (19 sites)	2	Admin. Order	AFO	Clark	Proposed decision 11/25/96. Appealed to EPC 12/27/96.
6/10/96	DeCoster Farms of Iowa (5 sites)	2	Permit Denial	WR	Clark	Proposed decision 11/25/96. Appealed to EPC 12/27/96.
8/01/96	DeCoster Farms of Iowa (Nursery Unit 7 - Wright Co.)	2	Permit Denial	AFO	Clark	Proposed decision 11/25/96. 12/27/96 - Appealed to EPC.
8/01/96	DeCoster Farms of Iowa (Boomsma Egg Site #1)	2	Admin. Order/Penalty	AFO	Clark	Hearing continued - date to be set.
8/09/96	Gene and Margaret Palmersheim d/b/a G & M Service Mart 8LT593	1	Admin. Order/Penalty	UT	Wornson	Tier 2 received. Negotiating penalty. Placed on State lead.
9/24/96	North Star Steel Iowa		Permit Denial	AQ	Preziosi	Permit issued 3/31/97. Letter sent 6/1/00 requesting assurance that all issues have been addressed.
10/11/96	DeCoster Farms of Iowa (96-WW-32).	2	Admin. Order	AFO	Clark	Hearing continued indefinitely.
10/17/96	DeCoster Farms of Iowa (Nursery Unit 3 - Wright Co.)	2	Permit Revocation	AFO	Clark	Hearing continued indefinitely.
10/28/96	Fischer Controls International		Permit Conditions	WW	Hanson	Negotiating before filing.
2/19/97	Cliff's Place, Inc.	1	Admin. Order/Penalty	WS	Hanson	Compliance initiated. 3/31/00 - Appeal to be closed. New owner.
3/20/97	Sylvan Acres	1	Admin. Order/Penalty	WS	Hanson	Compliance initiated. 3/31/00 Dept. settlement offer to water supply.
7/22/97	CIPCO		Construction Permit Conditions	AQ	Preziosi	Negotiating before filing.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	Settlement reached. Cleanup underway.
8/01/97	Dodger Enterprises Co., Tire Chop Division; Donald Grell	2	Admin. Order	SW	Murphy	Proposed decision 6/26/98. Appeal to EPC. Affirmed 9/21/98. Appealed to District Court. Affirmed 11/8/99. Appealed to Iowa Supreme Court 12/7/99.
8/05/97	Biovance Technologies	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/08/97	Iowa Waste Systems, Inc.	1	Admin. Order/Penalty	SW	Tack	Settlement reached with Fayette County. Hearing for Iowa Waste Systems held 4/5/00. Proposed decision received 5/14/00. Penalty reduced to \$3,000.
9/17/97	Keokuk Steel Castings	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/25/97	Iowa Mold Tooling Co., Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
12/12/97	Donald E. Grell; Dodger Enterprises, Tire Chop Division	2	Notice of Intent to Revoke Solid Waste Permit; Denial of Application for New Waste Tire Mgmt. Permit	SW	Murphy	Proposed decision 6/26/98. Appeal to EPC. Affirmed 9/21/98. Appealed to District Court. Affirmed 11/8/99. Appealed to Iowa Supreme Court 12/7/99.
1/13/98	DeCoster Farms of Iowa (Nursery #8) (Wright Co.)	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
1/16/98	Pilgrim Heights Camp		NPDES Permit Conditions	WW	Hanson	Negotiating before filing.
1/23/98	Sac City	3	Admin. Order/Penalty	WW	Hanson	Status report received from city's consultant. 2/1/00 - Status report on WW compliance requested from FO 3. 2/28/00 - Settlement offer sent to attorney. 3/28/00 - City attorney letter received. 3/29/00 - Letter to attorney regarding scheduling settlement meeting and setting case for hearing. 4/17/00 - Dept. meeting with City attorney and officials to discuss settlement.
1/30/98	Rockwell City	3	Admin. Order/Penalty	WW	Hanson	Meeting on 4/22/98 with city's engineer regarding facility plan. Hearing set for 3/29/00.

						2/21/00 – Settlement offer presented to City. 2/28/00 – City's counter offer received. 3/29/00 – Settled. Agreement to be finalized in consent order. 4/28/00 – Consent order sent to City for signatures. 5/11/00 – Consent order signed by mayor and Director. Awaiting penalty payment.
3/16/98	Pathway Christian School	6	Admin. Order/Penalty	WS	Hanson	3/1/00 – Status report requested of FO. 3/2/00 – Status report received. 4/28/00 – Letter to WS concerning resolution of appeal.
4/03/98	Pictured Rocks Methodist Camp	6	Admin. Order/Penalty	WS	Hanson	Facility agreed to install chlorination. FO 2 inspection on 6/29/98 3/1/00 Status report requested of FO. 3/31/00 Settlement offer to water supply. 4/20/00 – Response from WS attorney. 4/27/00 – Dept. response. Settled. Penalty payment received 5/15/00. Closed.
4/03/98	Cooperative Oil Company; Mickey Berg	2	Admin. Order	UT/WW	Wornson	Compliance complete. Review and close. Monitoring required Spring 2000.
4/27/98	Weise Corporation	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
7/01/98	Ag Processing, Inc.	4	Permit Conditions	AQ	Preziosi	Negotiations continue.
7/29/98	Archer Daniels Midland 98-A-507P thru 98-A-515P	6	Permit Provisions	AQ	Preziosi	Settlement close.
8/18/98	University of Iowa	6	Permit Conditions	WW	Hanson	Settlement offer sent 10/98. Follow-up letter sent 3/22/99. U of I to submit response to Dept. settlement offer by 5/28/99. Information submitted by U of I. Wastewater staff revised permit in response to information received.
9/29/98	Randy Foth d/b/a Foth Lumber Co.	2	Admin. Order/Penalty	AQ	Brabec	Settled. Partial penalty payment received.
10/03/98	Ag Processing, Inc. (Emmetsburg)	4	Permit Exemption Denial	AQ	Preziosi	Settlement close.
10/06/98	M & W Pallett Co.	6	Admin. Order	SW	Tack	Clean-up continuing.
10/08/98	West Liberty, City of	6	Admin. Order/Penalty	WW	Hanson	Informal procedures requested. 2/1/00 – Status report requested of FO 6. 2/02/00 – Report received from FO. 2/28/00 – Letter to attorney to schedule meeting resolving appeal. 2/28/00 – Status report concerning I/I work received. 3/24/00 – Meeting scheduled for 4/14/00 to discuss resolving appeal. 4/14/00 – Met with City attorney and officials concerning appeal.
10/09/98	Elm's Corporation of Linn County (8LTX55)	1	Admin. Order/Penalty	UT	Wornson	Compliance initiated. Tanks removed. Tier 2 overdue. Tier 1 submitted 10/14/99. Awaiting review.
10/13/98	The Legacy Group, L.C.; Easter Lakes Estate Site	5	Admin. Order/Penalty	WW	Murphy	5/30/00 – Settled. Amended order to be issued.
11/19/98	Jacobs Energy Corporation		Permit Denial	AQ	Preziosi	Negotiating before filing.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/WS	Murphy	Construction permit application received.
12/01/98	Underwood Motel	4	Admin. Order/Penalty	WS	Hanson	Sanitary survey completed by F.O. 4. Public notice posted. 12/29/99 WS to connect to regional water by Spring 2000. 3/27/00 Per regional water motel to be connected third week April. 4/11/00 – Dept. sent settlement offer. 5/2/00 – Settled. First of two installments received for penalty 5/10/00.
12/16/98	Richard Swailes		Permit Denial	FP	Clark	5/18/00 – Notification of imminent transfer to DIA.
12/24/98	Keokuk Steel Castings Co., Inc.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
1/04/99	Duane Hanson d/b/a Cedar Valley Tire Recycling	1	Admin. Order/Penalty	SW	Tack	Default judgment entered. Abatement agreement signed. Penalty will be forgiven upon compliance with abatement agreement.
1/13/99	Bernadette Ryan	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
1/20/99	Lonnie King	5	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
2/05/99	West Union Cooperative Co.	1	Admin. Order/Penalty	WW	Murphy	Settlement proposed 9/99. Further studies 4/00.
2/10/99	Bawden Printing		Permit Conditions	AQ	Preziosi	Negotiating before filing.
3/04/99	Dayton, City of	2	Admin. Order/Penalty	WW	Murphy	4/00 – City progressing on facility improvements. Will monitor for progress.
3/08/99	Peter Bockenstedt	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/08/99	Augustus & Betty Lartius d/b/a Country Terrace Mobile Home Court	5	Admin. Order/Penalty	WS	Hanson	Hearing set for 6/23/99. 5/99 WS filed motion for continuance. Dept. filed resistance to continuance motion. Hearing set for 7/19-21/99, cancelled. Default judgment entered against facility owners. Motion to set aside default granted by ALJ. Hearing set for 10/18/ & 19/99. Settled. Administrative consent order with penalty agreed upon. 2/10/00 – Admin. Consent Order sent to facility for signatures. 2/29/00 – No response received. 4/5/00 – Dept. requested hearing be rescheduled since no agreement reached on consent order. 4/14/00 – Hearing set for 6/26, 27 and 28/00.
3/08/99	Augustus & Betty Lartius d/b/a Country Terrace Mobile Home Court	5	Admin. Order/Penalty	WW	Hanson	Hearing set for 6/23/99. 5/99 WS filed motion for continuance. Dept. filed resistance to continuance motion. Hearing set for 7/19-21/99, cancelled. Default judgment entered against facility owners. Motion to set aside default granted by ALJ. Hearing set for 10/18 & 19/99. Settled. Administrative consent order with penalty and compliance schedule agreed upon. 2/10/00 – Admin. Consent Order sent to facility for

						signatures. 2/29/00 – No response received. 4/5/00 – Dept. requested hearing be rescheduled since no agreement reached on consent order. 4/14/00 – Hearing set for 6/26, 27, and 28/00.
3/16/99	Des Moines Independent School District – North High School	5	Site Registry	HC	Tack	Settlement letter sent by solid waste section 12/20/99.
3/18/99	Ag Processing, Inc. (Sergeant Bluff)		Title V Operation Permit Conditions	AQ	Preziosi	Hearing continued. Second settlement meeting held 8/18/99. Hearing procedure on hold pending outcome of task force.
3/23/99	Matthew M. Daly	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/23/99	Daniel J. Gotto	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/31/99	Woolstock, City of	2	Admin. Order/Penalty	WW	Hanson	Compliance initiated by City. To be set for hearing regarding penalty. 1/28/00 – Compliance status report received from FO 2. 2/7/00 – Letter to City advising appeal be set for hearing. 2/18/00 – Sent to DIA to be set for hearing. 3/00 – Hearing set for 4/26/00. 4/17/00 – Dept. met with City attorney and officials concerning order and penalty. 4/20/00 – Hearing reschedule for 6/14/00 due to schedule conflict with Dept. witness.
4/08/99	Iowa Waste Systems	1	Admin. Order/Penalty	SW	Tack	Settlement reached with Fayette Co. Hearing held 4/5/00 for Iowa Waste Systems. Proposed decision received 5/10/00. Penalty amount reduced to \$1,500.
4/09/99	Ivan Stoltzfus	5	Admin. Order/Penalty	WW	Tack	Hearing continued to 4/21/00. Settlement received. Penalty paid. Closed..
4/15/99	Robert Simon	1	Admin. Order/Penalty	AQ/SW	Tack	Settled. Paying penalty on payment plan.
4/15/99	Shine Bros. Corp.		SWA Denial	SW	Tack	Settlement offer pending.
4/16/99	Cargill (Sioux City)	3	Title V Operation Permit Conditions	AQ	Preziosi	Hearing procedure on hold pending outcome of task force.
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	Negotiating before filing.
4/30/99	Anthony's Resort	1	Admin. Order/Penalty	WS	Hanson	WS hired engineer to do engineering report with recommendations for correcting WS deficiencies. Chlorination installed at WS. 1/28/00 – Dept. letter concerning compliance status and setting appeal for hearing. 2/29/00 – Sent to DIA to be set for hearing. 4/14/00 – Hearing set for 7/14/00. 5/24/00 – Penalty received per Dept. settlement offer. Closed..
5/06/99	Hargrave McEleney, Inc.	6	Admin. Order/Penalty	WS	Hanson	Amended order to be issued. 2/2/00 – Dept. to contact WS concerning lead and copper sampling. 3/29/00 – Dept. engineer requested two more rounds of sampling to be conducted by 7/30/00. 5/31/00 – Status report requested from WS section. Per WS section 1st round, 2000 lead and copper samples taken.
5/18/99	Snap-On-Tools Co.	2	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/27/99	CGB Printing aka Rock Communications	5	Admin. Order/Penalty	AQ	Preziosi	Settlement meeting held 1/31/00. 2/04/00 – Evaluating additional information.
5/28/99	Flying J Inc.	5	Admin. Order/Penalty	WW/UT	Murphy	Amended AO issued 3/30/00. Settled. 5/18/00 – Penalty received. Closed.
6/28/99	Wilcox All-Pro Tools & Supply	5	Admin. Order/Penalty	WW	Tack	Settled. Payment received 5/9/00. Closed.
7/16/99	Fairfield, City of	6	Admin. Order/Penalty	AQ/SW	Tack	Settled. Penalty received 5/10/00. Closed.
7/19/99	Celotex Corp. (Ft. Dodge)	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
7/27/99	Affordable Asbestos Removal; Jeffry Intlekofer	6	Admin. Order/Penalty	AQ	Brabec	Hearing held 4/28/00. Awaiting decision.
8/10/99	Muscatine County Sanitary Landfill	6	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
8/13/99	Farmland Foods, Inc. (Dubuque)	1	Construction Permit Conditions	AQ	Preziosi	Settlement close.
8/19/99	Case Corporation	6	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
8/25/99	National By-Products, Inc.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/07/99	Shine Bros. Corp.	3	Admin. Order/Penalty	AQ	Brabec	Negotiating before filing.
9/08/99	Linwood Mining & Minerals	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
9/08/99	Fibre Body	2	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/09/99	Winneshiek County Memorial Hospital	1	Admin. Order/Penalty	AQ	Preziosi	Settled. Penalty paid 10/13/99. Closed.
9/10/99	Linwood Mining & Minerals	6	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/13/99	Eugene P. Reed	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
9/13/99	CIPCO	1	NPDES Permit Conditions	WW	Hanson	12/29/99 – Appeal reviewed by wastewater permit writer.
9/13/99	Dave & Theresa Cook d/b/a Curry Environmental Services	6	Admin. Order/Penalty	AQ	Brabec	Awaiting letter from company to rescind penalty.
9/21/99	Julie Rowe d/b/a Jewel's Food & Spirits	1	Admin. Order/Penalty	WS	Murphy	12/99 – FO and WS tracking compliance.
9/21/99	Farmland Foods, Inc. (Denison))	1	Construction Permit Conditions	AQ	Preziosi	Settlement close.
9/24/99	Lorene Logue; Willy Holmes; Todd Holmes	5	Admin. Order/Penalty	AQ	Tack	Hearing held 5/26/00.
9/29/99	McGregor, City of	1	Admin. Order/Penalty	WS	Murphy	5/23/00 – Settlement offer.
9/30/99	Rollin McAdams d/b/a McAdams Demolition Co. (Davenport)	1	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
10/11/99	Kenny Habben	2	Admin. Order/Penalty	AQ	Tack	Settled. Awaiting penalty payment.
10/12/99	Fernald Water System	5	Admin. Order/Penalty	WS	Clark	Negotiating before filing.
10/12/99	Brown Bottle Restaurant	1	Admin. Order/Penalty	WS	Hanson	WS submitted preliminary engineering report regarding nitrate reduction. WS to install an

						ion exchange unit. Still need to submit construction permit applications and a schedule. Report dated 10/29/99 submitted to Dept. Review completed by Dept. WS engineer. Facility engineer to submit construction permit application and schedule. 1/3 and 1/26/00 – Dept. requested iron and sulfate test. When test results are received Dept. will set due date for submittal of P & S. 2/28/00 – Dept. letter requiring iron and sulfate tests and submittal of plans and specifications for nitrate removal system by 3/10/00. 3/21/00 – Dept. engineer received and reviewed plans and specifications. Awaiting iron test results. 5/1/00 – Dept. engineer approved as-builts submitted for nitrate control unit.
10/14/99	Crawfordsville, City of	6	Admin. Order/Penalty	WS	Murphy	Hearing set for 5/25/00. Settled. Penalty received 5/12/00. Closed.
10/15/99	Sac County Golf & Country Club	3	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
10/19/99	Tara Hills Country Club	1	Admin. Order/Penalty	WS	Murphy	5/25/00 – Sent to DIA.
10/19/99	Dean Larsen (Martin Marietta)		Water Use Permit	WR	Clark	5/2/00 – Appeal dismissed. Closed.
10/22/99	Barilla America, Inc.	5	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
10/22/99	Robert Fisher	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
10/22/99	Greenwood Hills Estates, L.C. and GK Properties, Inc.	5	Admin. Order/Penalty	WW	Murphy	5/24/00 – Settlement offer.
11/03/99	Cargill, Incorporated (Cedar Rapids)	1	Permit Conditions	AQ	Preziosi	Hearing procedure delayed pending outcome of task force.
11/10/99	Michael L. Roberts	4	Admin. Order/Penalty	AQ	Tack	Settlement offer sent 3/22/00.
11/12/99	Osceola, City of	5	Admin. Order/Penalty	WW	Hanson	1/4/00 – FO 5 letter to City requesting complete plan of action by 5/15/00. 5/31/00 – Status report on plan of action submittal requested by FO.
11/12/99	Logan, City of	4	Admin. Order	WW	Hanson	City requested new schedule because of additional time needed for condemnation proceedings due to change in statute. 2/22/00 – Dept. requested attorney and engineer submit revised schedule if needed in view of delays in condemnation. 2/28/00 – City submitted amended appeal with revised schedule.
11/12/99	Cargill, Incorporated (Iowa Falls)	2	Title V Operation Permit Conditions	AQ	Preziosi	Negotiating before filing.
11/15/99	Industrial Energy Applications	1	Permit Denial	AQ	Preziosi	Negotiating before filing.
11/15/99	Rocky Knoll Mobile Home Park	2	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
11/19/99	Climax Molybdenum Co.	6	Permit Denial	AQ	Preziosi	Negotiating before filing.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/08/99	Cargill, Incorporated (Sioux City)	3	Permit Conditions	AQ	Preziosi	Negotiating before filing.
12/08/99	Oakview Construction	5	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer sent 5/18/00.
12/10/99	Leonard Rayhons; Randy Schleusner	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/13/99	Omaha Cold Storage Terminals	2	Admin. Order/Penalty	WW	Murphy	Hearing rescheduled for 8/04/00.
12/17/99	Edward Degeus	2	Admin. Order/Penalty	AQ	Brabec	Negotiating before filing.
1/04/00	Aaron Berry	4	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer sent 3/22/00.
1/06/00	Wendall Abkes	2	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer sent 2/22/00.
1/07/00	Ft. Dodge, City of	2	Admin. Order/Penalty	WS	Murphy	5/26/00 – Settlement offer.
1/11/00	Farmland Industries	2	Permit Denial	AQ	Preziosi	Negotiating before filing.
1/13/00	Mark Shipman	2	Admin. Order/Penalty	AFO	Murphy	5/26/00 – Letter regarding informal settlement.
1/13/00	Pine Creek Golf Course	2	Admin. Order/Penalty	WS	Hanson	4/26/00 – Letter to WS concerning required monitoring and public notice.
1/18/00	Four Oaks Farm & Stables	1	Tax Certification Denial	SW	Tack	Appeal withdrawn. Closed.
1/20/00	New Virginia Sanitary Sewer District	5	Admin. Order	WW	Murphy	Negotiating before filing.
1/20/00	Solar Transport Co.	2	Admin. Order/Penalty	UT	Wornson	Settlement proposal due 5/5/00.
1/21/00	Dave Thompson	2	Admin. Order/Penalty	SW	Tack	Hearing held 5/31/00.
1/25/00	Bonaparte, City of	6	Admin. Order/Penalty	AQ/SW	Tack	Cleanup to be completed by 7/1/00. Penalty to be negotiated upon completion.
1/25/00	Tire Environmental Services, Inc.	1	Permit Conditions	SW	Tack	Negotiating before filing.
2/07/00	Benefit Water District #2	5	Admin. Order/Penalty	WS	Murphy	Negotiating before filing.
2/10/00	Holland Contracting Corp.	2	Admin. Order/Penalty	AQ	Brabec	Settled. Penalty plan established. Payments are on schedule.
2/11/00	Steven Reimers	3	Admin. Order/Penalty	AQ/SW	Brabec	Settled. Penalty plan established. Payments are on schedule.
2/22/00	MINSAs Corporation	4	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
2/22/00	Red Oak Lanes, Inc.; Richard Culver	4	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer made 4/12/00. Settlement reached. 5/8/00 – Penalty received. Closed.
2/25/00	Meadow Knolls Addition	1	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
2/28/00	Bee Rite Tire Disposal Inc.; Jerry Yeomans	5	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
3/02/00	Dennis Severson d/b/a Huxley Dry Cleaners	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
3/21/00	Bruening Rock Products, Inc.	1	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
3/31/00	Larry Maasdam; Kim Ahrends	2	Admin. Order/Penalty	SW	Tack	5/15/00 – Penalty payment received. Closed.
4/03/00	Concord Custom Cleaners	6	Admin. Order/Penalty	AQ	Brabec	New case. Settlement close. Awaiting signed consent amendment. 5/24/00 – Penalty

						payment received. Closed.
4/05/00	Ainsworth, City of	6	Admin. Order/Penalty	WW	Murphy	Engineering report due 6/4/00.
4/05/00	Minnesota Rubber	2	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
4/11/00	Hawkeye Leisure Trailers	2	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
4/11/00	Kirk Latta	1	Admin. Order/Penalty	WS	Wornson	Settlement reached. Awaiting formal finalization.
4/14/00	Stateline Cooperative	2	Admin. Order	HC	Wornson	Compliance initiated.
4/14/00	Life Line Emergency Vehicles	1	Admin. Order/Penalty	AQ	Brabec	Penalty received 5/22/00. Closed.
4/17/00	Delaware Co. Conservation Board	1	Admin. Order/Penalty	WS	Murphy	Negotiating before filing..
4/21/00	LT Tap	1	Admin. Order/Penalty	WS	Clark	Negotiating before filing.
4/21/00	ALMACO	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
4/24/00	Tama Paperboard	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
4/24/00	Carroll, City of	4	Permit Conditions	WW	Hanson	Negotiating before filing.
4/26/00	State Wide Metal Recycling, Inc.; Fred Bovee	5	Admin. Order/Penalty	SW/HC	Tack	New case.
4/28/00	IBP, Inc.	6	Admin. Order/Penalty	SW	Tack	New case.
5/02/00	John Morrell & Co. d/b/a Curly's Foods	3	Admin. Order/Penalty	AQ	Brabec	Settled. Awaiting consent amendment and penalty payment of \$1,500.
5/04/00	Iowa State University Heating Plant	5	Admin. Order/Penalty	AQ	Preziosi	New case.
5/10/00	3M Company	5	Admin. Order/Penalty	AQ	Preziosi	New case.
5/10/00	Shelby's	1	Admin. Order/Penalty	WS	Tack	New case.
5/10/00	Rita Holtkamp	6	Certification Denial	WW	Wornson	Informal settlement initiated.
5/11/00	John Deere Waterloo Works – DSS	1	Admin. Order/Penalty	AQ	Brabec	Negotiations scheduled for 6/28/00.
5/12/00	Martin Marietta Materials, Inc.	1	Admin. Order/Penalty	AQ	Preziosi	New case.
5/12/00	Iowa Air National Guard – 185 th Fighter Wing	3	Admin. Order/Penalty	AQ	Brabec	New case.
5/16/00	Kenny Kettwig d/b/a North Iowa Pumping	2	Admin. Order/Penalty	AFO	Murphy	5/30/00 – Settlement offer.
5/16/00	Heinz USA	6	Admin. Order/Penalty	AQ	Brabec	Negotiations scheduled for 6/15/00.
5/19/00	Jet Company	2	Admin. Order/Penalty	AQ	Preziosi	New case.
5/24/00	Dan and Kelley Claar d/b/a Claar Construction	4	Admin. Order/Penalty	AQ/SW	Tack	New case.

Mike Valde stated that in the rulemaking status report there is a rule that has not been presented before, that deals with a revolving loan program for on-site septic systems. He said that they will be asking to begin the rule making process instead of bringing it to the commission as an information item first. He said they would ask that it go out as a Notice of Intended Action today, if approved. Mr. Valde further stated that it is an appropriation by the legislature that will get money loaned out to the people for their septic systems. Staff was trying to speed up the process because it will be delayed by the amount of time that it takes to get the rule making done.

Mr. Valde stated that the spill report indicates an increase from last year with the exception of manure which has remained at a relatively small number for the past several months. He stated that he is not sure if the reason for this is that there is more awareness resulting in an increase of reporting, or if there are more actual spills.

Mr. Valde reported there was a settlement agreement filed by the Attorney General's Office on Thursday, June 15, 2000 which settled all of the pending matters in the District Courts, the Supreme Court, and Administrative Appeals with A.J. DeCoster. The settlement provides essentially that DeCoster will be a Habitual Violator until October of 2004, and will be a chronic violator under the statute that provides nuisance protection. He will pay \$150,000 civil penalty in resolution of all of the pending matters, and he will build six manure storage facilities, with the intent that it will improve his abilities to store manure.

James Braun asked if DeCoster already had a number of permits for construction, and whether this stops him from constructing with the permits he has already acquired.

Mike Valde answered that if he has permits where he has already begun construction he will be able to complete construction. He stated that DeCoster must begin construction of the six formed

storage structures prior to staff issuing the habitual violator notice because once that is issued it will stop all construction projects that have not yet been started.

Darrell Hanson stated that it sounds as though in allowing Mr. DeCoster time to get the permits for the storage facilities that we are also allowing him time to get other construction projects started.

Mike Valde stated that there was a provision included in the settlement agreement that said that he would not begin construction on any other facilities.

Rita Venner asked if this also settled the referrals from 1998 and 1999.

Mike Valde said that it would.

INFORMATIONAL ONLY

AGREEMENT – RENEWAL CONTRACT WITH NATIONAL OLDER WORKERS CAREER CENTER (NOWCC)

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Background:

National Older Worker Career Center (NOWCC) provides temporary staff services to their clients. In doing this, NOWCC handles advertisement for the types of staff that their clients are looking for; reviews candidates to see how well they fit with NOWCC and the client's needs; provides a list of possible candidates for interview; and finalizes the hire.

NOWCC provides benefits to its workers such as: fully paid health insurance; paid sick leave and vacation; and unemployment insurance.

For several years, EPA had an agreement with NOWCC for a single staff person for the Air Quality Bureau (AQB). The AQB was (and still is) very impressed with the performance of NOWCC. AQB created a direct contract with NOWCC for 3 additional staff in fiscal year 1999. In fiscal year 2000, AQB took over the cost of the EPA funded position and renewed the NOWCC contract for 4 staff at a total cost of \$130,000.00. In addition, the Compliance and Enforcement Bureau and Waste Management Assistance Division (WMAD) contracted for five additional staff.

AQB, Compliance and Enforcement Bureau and WMAD has found NOWCC to be very reliable and roll-over to be minimal to none compared to other temporary services. This is a benefit to all DNR because training new staff is expensive and time consuming.

Agreement Renewal:

A combined renewal agreement has been created to cover all DNR's contract needs with NOWCC.

The Air Quality Bureau, Compliance and Enforcement Bureau and Waste Management Assistance Division would like to renew the agreement with NOWCC for July 1st, 2000 to June 30th, 2001. In addition, the Air Quality Bureau would like to add an additional staff position to this agreement – increasing the total number of NOWCC staff positions for AQB to 5. The Compliance and Enforcement Bureau would like to add an additional staff position to this agreement – increasing the total number of NOWCC staff positions for Compliance and Enforcement Bureau to 5 as well.

Each staff position performs a specific function. These are defined below:

For Air Quality Bureau***Engineering Assistant (previously on EPA agreement)***

Assists in implementing the Clean Air Act in Iowa; reviews construction permit applications for completeness; develops and maintains database tracking system for projects; assesses adequacy of materials submitted to support permitting decisions; assists in efforts with SPARS; manages the EPA APTI telecourses; and provides AutoCad services.

Engineering Assistant

Assists in implementing the Clean Air Act in Iowa; assists with emission inventory; develops and maintains database tracking system for projects; and assesses adequacy of materials submitted.

Administrative Support Assistant

Provides back-up coverage of the Reception/Support desk and Records area; provides back-up service on payment processing; provides back-up mail processing and distribution; assists in entering asbestos information in the ACTS database; assists in entering compliance information into an MS Access database; provides back-up services on supplies, check-out items and conference room setup; and performs as a back-up for the EPA APTI telecourses.

Administrative Support Assistant

Provides back-up assistance to Title V Operating permit staff by assisting with data editing and importing of IPI materials into SPARS; provides secondary back-up coverage of the Reception/Support desk and Records area; provides mail processing and distribution services; assists in data entering emission inventory information into SPARS; assists in data entering compliance information into an MS Access database; and provides supplies, check-out items and conference room setup services.

NEW: Data Entry Specialist

Provides assistance to Title V Operating permit staff by performing data editing and importing of IPI materials into SPARS; direct data entry into SPARS; and preparation of paper material for scanning.

The cost of the renewal contract with NOWCC for the duration of July 1st, 2000 through June 30th, 2001 for 5 staff positions for AQB is \$225,970.75. [cost centers 7220 and 7230]

For Compliance and Enforcement Bureau***Three Clerk Advanced Positions for the Manchester, Des Moines and Washington Field Offices to do the following:***

Entry of data into mainframe computer from wastewater monthly operation reports (MORs). Reports are received daily and monthly total is approximately 384. Reviews reports to determine if all data is present, free from errors, and reported data is from MORs per permit requirements. Maintain logs for wastewater and water supply MORs that are received daily. Take responsibility for sending out forms, labels, and MOR forms as requested. Notify appropriate Environmental Specialist of deviations in MOR reporting or non-submittal of MORs.

Maintain an efficient filing system for all program areas. File all correspondence, permits, general information, in its appropriate file and program area. Purge files as necessary. Notify Secretary of any filing problems or suggestions for more efficient operation.

Assist Field Office Secretary in mail and filing procedures. Assist in lobby as receptionist multi-line phone reception and forward questions to appropriate staff for response. Refer outside agency questions to appropriate state agency, if possible. Assist in fax and copy requests. Provide coverage of office administrative functions in absence of Field Office Secretary and perform clerical and other miscellaneous tasks as assigned by Field Office.

Water Specialist, Des Moines Regional Office

The primary function of this position is to provide technical assistance to public water supplies in response to positive bacterials, other contaminate violations; information regarding consumer confidence reports, operator certification issues, well head protection questions, shock chlorination, lead and copper monitoring, bacterial sampling plans, and construction permits.

Maintain documentation of sites visited or contacted for departmental files.

Wastewater Specialist, Washington Regional Office

The primary function of this position is to provide technical assistance to semi-public wastewater facilities in response to deficiencies in monthly or quarterly monitoring reports, requirements from recent field office inspections, effluent violations; operator certification issues, bypassing problems, or requests from owner operators.

Maintain documentation of sites visited or contacted for departmental files.

The cost of the renewal contract with NOWCC for the duration of July 1st, 2000 through June 30th, 2001 for 5 staff positions for the Compliance and Enforcement Bureau is \$104,972.00. [cost centers 7422 and 7426]

For Waste Management Assistance Division

Technical Writer

Assists in implementing the Waste Reduction Assistance Program (WRAP) administered by the Iowa Department of Natural Resources' Waste Management Assistance Division. Primary responsibility is to prepare and write computer generated technical engineering reports for WRAP customers. The reports describe findings and recommendations from WRAP's on-site pollution prevention opportunity assessments using information and supporting documentation provided by the assessment teams' field engineers. The reports focus on specific industrial processes and include economic and environmental impact Technical analysis associated with WRAP recommendations. Report writing duties include assessing adequacy of documentation submitted by field engineers to support assessment findings and recommendations, advising WRAP's central office staff of any deficiencies, and under the direction of the program's technical specialist, consulting with appropriate team members to correct any noted deficiencies or informational gaps.

Other duties include developing and coordinating a pollution prevention (P2) internship program for students at Iowa universities and colleges. This program will be built utilizing the existing linking mechanism of companies with pollution prevention projects to be undertaken. In addition, participating on assessment teams, conducting pre-assessment technical research for preparing teams and post-assessment research for supplementing and/or supporting information provided by teams' field engineers. Will assist WRAP's Central Office staff with other pollution prevention projects including maintaining the Access database and tracking system for recording assessment findings and facility baseline data, and for tracking results from implementation of reports' recommendations.

The cost of the renewal contract with NOWCC for the duration of July 1st, 2000 through June 30th, 2001 for 1 staff positions for the Waste Management Assistance Division is \$61,310.91. [cost center 9470]

The complete contract for all DNR covers 11 staff positions and costs a total of \$392,253.66.

The Commission is asked to approve the issuance of this renewal agreement with NOWCC for the DNR.

(A copy of the Agreement is on file in the Department's Records Center)

Mike Valde explained that this agreement combines the separate agreements between the NOWCC and the Air Quality Bureau, Compliance and Enforcement Bureau, and Waste Management Assistance Division to one agreement between the Department of Natural Resources and NOWCC encompassing all 10 NOWCC employees.

There was some discussion as to the cost comparison between temporary employees and full time employees.

Rozanne King asked if there was any agreement between the employee and NOWCC not to apply for a state job.

Mike Valde stated that no such agreement exists.

Rozanne King asked who was responsible for training these employees.

Cherity Gabrielle, Air Quality Bureau stated that DNR provides the training for their contract employees

Motion was made by James Braun to approve the Agreement Renewal with NOWCC. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

AGREEMENT AMENDMENT WITH WINDSOR TECHNOLOGIES FOR SPARS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Iowa Department of Natural Resources, Air Quality Bureau (AQB) and Windsor Technologies, Inc. created and have been maintaining the State Permitting and Air Reporting System (SPARS) under contracts 1997-084 and 1999-7230-12. SPARS has made it possible for our facility clients to fill out and submit an electronic construction and/or operating permit application via diskette, CD-ROM, e-mail, or ftp.

The Air Quality Bureau is distributing SPARS to our facility clients at this time by providing user guides, software and training.

The Air Quality Bureau has a current Agreement #2000-7230-12 for \$289,444.00, which will address:

#1 Renewal of the Maintenance and Minor Enhancements to SPARS ...

- As with any new system (and as more people use the SPARS software), we expect bugs/errors to come up now and then that will need to be resolved.
- On occasion, our construction and operating permit applications require minor changes due to modifications in our rules and/or regulations that will need to be made to SPARS.
- In addition, our facility clients have given us many suggestions on minor enhancements to make SPARS even better and easier to use.

#2 Add the Part 2 Operating Permit Application to SPARS

The Part 2 Operating Permit Application provides help to the applicants to:

- Determine what federal and state requirements their facility must comply with;
- Report all air quality regulatory requirements that the facility is subject to;
- Submit information on the compliance status of the facility; and
- Allow the applicant the option of adopting additional limits on operations or emissions.

The intent of this task would be to automate the Part 2 Operating Permit Application system. The information obtained from Part 2 can be used for permitting, compliance, and permit application completeness.

#3 Strategic Architecture

The objective of this task is to develop a Strategic Architecture that will guide the IDNR AQB software development and enhancement for the next 5 to 7 years. Windsor would be considering current and reasonably foreseeable changes in the technology that may impact the design, AQB needs, Agency information management plans, non-Agency access needs, and regulatory requirements and rules.

The Air Quality Bureau would like to Amend Agreement #2000-7230-12 to add these additional components:

#1 Add the Site ID Letter functionality to SPARS

The intent of this work effort is to add the Site ID Letter functionality to SPARS. This will allow the Air Quality Bureau to automate the response to SPARS Site ID requests from customers.

The cost to add the Site ID Letter functionality to SPARS is \$3,200.00 and would take approximately 2 weeks to complete.

#2 Add the Emission Inventory Forms to SPARS

The intent of this statement of work is to integrate an emission inventory module into SPARS. It will be integrated with the enterprise system tables and new tables will be developed for this functionality. The standard features that are available to the Construction and Operating permit applications will be implemented for the emission inventory functionality. These features include:

1. History tools (both application and field history)
2. Application tracking and status;
3. Reference table management functions;
4. Standards windows' functions such as filtering, Save, Save As, etc; and Confidentiality

The cost to add the Emission Inventory Forms to SPARS is \$81,064.00 and would take approximately 10 weeks to complete.

#3 Add the SPARS Operating Permit Editor to SPARS

The intent of this statement of work is to develop an Operating Permit application editor into the LAN version of SPARS, using the current editor as a basis for this new editor. Currently, the Operating Permit (IPI) editor is written in Visual Basic and is designed to edit the IPI import files to be imported into SPARS. There are a number of key concerns with the current software:

1. The IPI editor does not use the SPARS reference tables. The IPI import files have to be edited, run through the SPARS import feature to create error logs, and then re-edited in the IPI editor.
2. The IPI Editor was written originally for data input into RAPIDS and was modified to import data into SPARS. The current software does not easily support the relationships between the IPI text files and the images. The OCR and imaging functions will no longer be performed by IPI. Key data entry will be used in the near future for those operators that do not use electronic submission. The current IPI editor data input screens do not support "key punch" data entry.
3. The IPI editor is written in Visual Basic and requires two third party objects to work correctly. This software can not be easily supported by the IDNR. Major portions of the system may have to be rewritten if the third party objects become unavailable from the vendors.

The cost to add the SPARS Operating Permit Editor to SPARS is \$37,450.00 and would take approximately 6 weeks to complete.

[Under Fiscal 2001 Budget, cost center #7230, activity code #405 and object code #2450, there is an allocation of \$200,000.00 designated for SPARS, which is entirely available. We are requesting that \$121,714.00 of these funds be used for Amendment #1 to Agreement #2000-7230-12.]

Conclusion

Since Windsor Technologies, Inc. developed SPARS, it makes sense to contract with them to do the work. If we were to ask another contractor to do this work, it would require a substantial amount of time and money for another contractor to get familiar with the SPARS software before even doing any work on these components. The Air Quality Bureau has been very pleased with Windsor's work in developing the SPARS software and would see it as a major asset to continue utilizing their services.

The total cost for all three items ... adding Site ID Letter functionality to SPARS, adding the Emission Inventory Forms to SPARS and adding the SPARS Operating Permit Editor to SPARS ... is \$121,714.00, which will be incorporated into Amendment #1 to Agreement #2000-7230-12 with Windsor Technologies, Inc.

The Commission is asked to approve the issuance of Amendment #1 to Agreement #2000-7230-12 with Windsor Technologies, Inc. to add Site ID Letter functionality to SPARS, add the Emission Inventory Forms to SPARS and add the SPARS Operating Permit Editor to SPARS.

Mike Valde explained the contract and SPARS program, and asked that we amend the agreement to add three more features to SPARS.

Darrell Hanson asked if there was any requirement to put this out for bid.

Mike Valde stated that there was no legal requirement for bids.

Pete Hamlin of the Air Quality Bureau stated that they were starting to process permits through this system and that they were encouraging everyone involved to use it as well.

Motion was made by Darrell Hanson to approve the Amendment to Agreement with Windsor Technologies, Inc for SPARS. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

INTERAGENCY AGREEMENT – POLK COUNTY AIR QUALITY DIVISION PROGRAM

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached interagency agreement between the Department and the Polk County Board of Supervisors. This agreement sets forth each agency's role in the ongoing implementation of the Polk County air quality construction permit, Title V operating permit, and ambient air monitoring programs mandated by the Clean Air Act Amendments of 1990.

The duties of the Polk County Air Quality Division staff include reviewing applications and issuing permits for the construction of new air pollution sources, monitoring ambient air quality, performing inspections; and reviewing and drafting final Title V operating permits.

The agreement is for the period of July 1, 2000 through June 30, 2001. The agreement establishes variable payments, totaling \$709,188. This agreement is funded by the air contaminant fund, \$456,766, 105 federal grant, \$212,388, and 103 federal grant, \$40,000. The contract amount includes the 105 federal grant compared to prior years. In the previous agreements Polk County was a 105 direct grant recipient. The agreement amount for last year was \$456,721.

(A copy of the Agreement is on file in the Department's Records Center)

Mike Valde explained that this was a renewal of their agreement, the only difference being that the 105 and 103 grant money in prior years was a direct grant and now it is passing through us.

Motion was made by Rozanne King to approve the Interagency Agreement for the Polk County Air Quality Division Program. Seconded by Kathryn Murphy. Motion carried unanimously.

APPROVED AS PRESENTED

INTERAGENCY AGREEMENT – LINN COUNTY AIR QUALITY PROGRAM

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached interagency agreement between the Department and the Linn County Board of Health. This agreement sets forth each agency's role in the ongoing implementation of the Linn County air quality construction permit, Title V operating permit, and ambient air monitoring programs mandated by the Clean Air Act Amendments of 1990.

The duties of the Linn County Air Quality Division staff include reviewing applications and issuing permits for the construction of new air pollution sources, monitoring ambient air quality, performing inspections; and reviewing and drafting final Title V operating permits.

The agreement is for the period of July 1, 2000 through June 30, 2001. The agreement establishes variable payments, totaling \$501,128, and a one-time amount, totaling \$6,000. Maximum contract amount is \$507,128. This contract is funded by the air contaminant fund, \$293,553, 105 federal grant, \$178,575, and 103 federal grant, \$35,000. The agreement amount for last year was \$503,926.

(A copy of the Agreement is on file in the Department's Records Center)

Mike Valde reviewed the details of the contract renewal.

Motion was made by Kathryn Murphy to approve the Interagency Agreement for the Linn County Air Quality Program. Seconded by James Braun. Motion carried Unanimously.

APPROVED AS PRESENTED

DNR/UHL AIR QUALITY SUPPORT CONTRACT, SFY 2001

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached interagency agreement between the Department and the University of Iowa Hygienic Lab (UHL). The agreement provides UHL support of Air Quality Bureau activities including ambient air monitoring, emissions inventory, stack testing, asbestos sample analysis and smoke school. The contract total is \$1,503,283.

(A copy of the Agreement is on file in the Department's Records Center)

Mike Valde explained details of the contract renewal stating that the UHL does a lot of things for the Air Quality Bureau such as ambient air monitoring network, emissions inventory work, stack testing, stack testing observation, asbestos sample analysis, and the smoke school. He added the smoke school trains visual observers to be able to tell the density of smoke coming out of the stacks. He mentioned that the contract is \$200,000 more than last year.

Pete Hamlin of the Air Quality Bureau stated that the increase was due to an expansion of the Air Quality monitoring network. They are also expanding in the area of PM 2.5 which requires more effort on our part. He also stated that they have gotten back some results of the samples they collect from the PM 2.5 which are their new monitors. The majority of the material that was collected on these filters was sulfates which means it is coming from combustion sources primarily.

Rita Venner asked if the smoke school had anything to do with training the fire fighters.

Mike Valde answered that it did not. He stated that the smoke school trains stack test observers.

Rozanne King asked if there was a mix of funding sources.

Pete Hamlin stated that there was federal money that goes into this, but a large portion of it is Title V.

Rozanne King asked if the contract was based on the amount of Title V money that comes in.

Pete Hamlin stated that they have a fair idea of the amount of money they would get from Title V and try to budget around it.

Motion was made by Rita Venner to approve SFY 2001 DNR/UHL Air Quality Bureau Support Contract. Seconded by James Braun. Motion carried unanimously.

APPROVED AS PRESENTED

AGREEMENT WITH IDED – AIR QUALITY SMALL BUSINESS LIAISON

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the agreement between the Department and the Iowa Department of Economic Development (IDED). This agreement establishes the Small Business Liaison for Air Quality (SBLAQ), which is the ombudsman component of the Small Business Assistance Program as required by Section 507 of the Clean Air Act (Act).

SBLAQ serves as a non-regulatory contact for Iowa small businesses seeking information and assistance related to fulfilling their air quality responsibilities; mediates concerns between Iowa's small businesses and the Department; and evaluates air quality regulations for adverse impact on small businesses and ensures that they are understandable. SBLAQ also facilitates communications through a web site and workshops. A small business needs assessment and cost benefit analysis of existing federal or proposed state air quality regulations will also be conducted.

The agreement is for the period of July 1, 2000 through June 30, 2001. The agreement establishes four fixed equal payments from the air contaminant fund, totaling \$124,987.

(A copy of the Agreement is on file in the Department's Records Center)

Mike Valde stated that Agenda Items 13 and 14 were both things required by Section 507 of the Clean Air Act. The Clean Air Act provides for a small business ombudsman and a small business assistance center. He stated that on Item 13 he has been told by Pete Hamlin that they have not yet reached an agreement with the Iowa Department of Economic Development so they will need to withdraw this item from the agenda until next month.

Deputy Director Wilson asked if it was the financial terms that they were unable to agree upon, because it was considerably more than what we have been paying in the past.

Pete Hamlin stated that it was approximately \$40,000 more, adding that it is not the dollar amount that is under discussion but some of the language that has changed.

Deputy Director Wilson asked if at one time the contract was around \$80,000

Sherry Timmins, Department of Economic Development, stated that last years contract for Small Business Liaison for Air Quality was approximately 80 to 88 thousand dollars. In the meeting with the compliance assistance section at the Air Quality Bureau reviewing the scope of work, it was determined that to provide the needed services that they needed to increase the amount for the budget. She noted that it is primarily associated with the needs assessment that we hope to do to identify how we can best serve small business to come into compliance.

Deputy Director Wilson asked if those tasks were in the original contract.

Sherry Timmins stated that there's been some boiler plate descriptions associated with the contract language, we developed a scope of work in conjunction with Air Quality Bureau and we are in agreement on that. She stated that they wanted to make sure that the contract that they bring to the commission is mutually supportive and can do the job that the small business liaison needs to do.

Deputy Director Wilson asked, since Polk and Linn Counties have been delegated through an agreement for air responsibility, does this position also work with those counties?

Pete Hamlin answered that it does.

Terry Townsend stated that since there was a significant addition to the cost, he would want to see the justification for it when they bring it back.

Consensus was that they would bring this item back for next months agenda.

DELAYED UNTIL NEXT COMMISSION MEETING
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AGREEMENT WITH THE IOWA WASTE REDUCTION CENTER – IOWA AIR EMISSIONS ASSISTANCE PROGRAM

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the agreement between the Department and the Iowa Waste Reduction Center (IWRC). This agreement establishes Iowa Air Emission Assistance Program (IAEAP), which is the technical assistance component of the Small Business Assistance Program as required by Section 507 of the Clean Air Act (Act).

IAEAP assists small businesses with air permitting requirements, emission estimations, and determination of regulatory status and compliance requirements. They also provide small businesses with on-site visitations for compliance and pollution prevention assistance, and information concerning alternative technologies, process changes, procedures and methods of operation that help reduce air pollution.

The agreement is for the period of July 1, 2000 through June 30, 2001. The agreement establishes four fixed equal payments from the air contaminant fund, totaling \$361,000.

(A copy of the Agreement is on file in the Department's Records Center)

Mike Valde explained the agreement and stated that the cost was identical to last year.

Rozanne King questioned the term “establishes” in the agreement.

Mike Valde said that “continue” would have been a better choice of words.

Motion was made by Rozanne King to approve the Agreement with the Iowa Waste Reduction Center. Seconded by James Braun. Motion carried unanimously.

APPROVED AS PRESENTED

STATE REVOLVING FUND – INTENDED USE PLAN, FY 2000 (CLEAN WATER)

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for an amended Intended Use Plan (IUP) for the FY 2000 Clean Water State Revolving Fund.

The Environmental Protection Commission approved a FY 2000 Clean Water SRF IUP in January. At that time, applications for loans totaled \$15,748,000, less than the available funding for FY 2000, and the approved IUP recognized that additional projects might be added by amendments to the IUP. Since January, nine new applications have been received and the IUP is being amended to include these new projects. The new project total is \$40,234,000 and there adequate funds this extended list of projects. An amended table showing the approved list of currently approved projects as well as those proposed for addition is attached.

A notice of the revised IUP has been distributed to provide opportunity for public input according to the procedure in the plan. The deadline for input is prior to the commission meeting. Unless major issues arise in this process, the department will request approval of the amended IUP. Approval will allow the department to apply for the full capitalization grant and the additional projects may proceed in expectation of SRF loans.

FY 2000 Amended Project List

Project Name / Community	Need Categories	Assistance Amount (x \$1000)
DNR State Parks 03		2,235
Larchwood	I, II	588
Dayton	II	689
New Sharon	I, IIIA, IVB	546
Earlham	II	555
Beacon	II	790
Altoona	I, IIIA	3,027
Manson	I	309
Hartley	I	1,029
Burt	I, IIIA	656
Montrose	IIIA	378
Williams	IIIA	524
Monroe (West)	IIIA	535
Wyoming	IIIA	404
Exira	I, II	372

Cresco	II, IVB	1,538
Melcher-Dallas	II, IIIA	305
Ryan	IIIA	395
Calmar*	II	3,555
Cambridge*	II, IVB	232
Coralville*	II	3,775
Sioux City 01*	II, IVB	13,000
Hamburg*	I, IIIA	738
Osceola*	II	1,518
Buffalo*	I	300
Newton*	II	1,241
Dallas Center*	II	1,000
* Proposed additional projects		40,234

Key to Need Categories

- I Secondary Treatment
- II Treatment more stringent than secondary
- IIIA Infiltration/Inflow rehabilitation
- IIIB Major sewer system rehabilitation
- IVA New collectors and appurtenances
- IVB New interceptors and appurtenances
- V Correction of combined sewers

Mike Valde distributed a complete Clean Water State Revolving Fund Intended Use Plan for the State of Iowa Fiscal Year 2000. He then explained the details of the amendment.

Darrell Hanson asked if he was correctly interpreting the statement regarding the “new project total is \$40,234,000 and there are adequate funds for this extended list,” by saying that everyone who applied was approved.

Mike Valde stated that they were.

Motion was made by James Braun to approve the Clean Water State Revolving Fund Intended Use Plan FY 2000. Seconded by Darrell Hanson. Motion carried unanimously.

APPROVED AS PRESENTED

Rozanne King brought up the subject that there are many unincorporated and very small, incorporated towns that have been told that they need to put in a sewer system and there is no money to pay for it. Even when they are awarded a grant for half the cost, they are unable to pay for other half.

Mike Valde suggested Rural Development Association as well as the septic tank program that the legislature approved this session that will deal with small individual on-site septic systems. Mike stated that they were aware that there are about 400 unsewered communities in the state.

There was a brief discussion regarding the situation of these small towns and their inability to pay for a sewer system. It was agreed that it was serious situation that needed to be looked into.

Rita Venner spoke about the Harcourt issue where the Carstensen family addressed the commission, they had a petition not to put the lift station in the town of Harcourt. She stated the legal fees have cost the town of Harcourt more than if they had put the lift station in initially. They still have not settled the issue.

Mike Valde replied that the towns do not like the Department of Natural Resources telling them that they have to put in a lift station or dictating where it is to be placed.

STATE REVOLVING FUND – INTENDED USE PLAN, FY2000 (DRINKING WATER)

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for the fiscal year 2000 drinking water state revolving fund (DWSRF) Intended Use Plan.

The FY 2000 Intended Use Plan includes the list of projects proposed to receive loan assistance through the state revolving fund. The IUP is the initial step in preparing a grant request for federal funds for the FFY 2000 drinking water SRF capitalization grant.

The Department initially received 29 applications for DWSRF funding, with one subsequently being withdrawn. Of the 28, it is being proposed that eight be funded with the funds available for fiscal year 2000. A draft IUP was presented to the Commission in May and a public hearing was held May 31, 2000 to receive comments on the proposed project priority list. One verbal comment was received supporting the list as is. No written comments have been received to date, but the comment period does not officially close until June 10, 2000. No changes were made to the project priority list as a result of the public participation process. The Commission will be updated at the June meeting as to any written comments received by the close of the comment period.

(A copy of the Intended Use Plan is on file in the Department's Records Center)

Mike Valde told the commission that there was a correction in the attachment for this item. The original package was mailed containing a spreadsheet for Wastewater. He stated that there was a substitution titled Appendix 1 handed out to the commissioners. He then explained the details of the contract. He stated that we did not have funding for all of the projects listed, there were 29 applicants, one withdrew leaving 28 applicants. Of those the funds are available for 8. He stated that they had gone through public comment period, public participation process, and accepted comments and no further comments were received since the package had been put together.

Motion was made by James Braun to approve the Year 2000 Drinking water SRF Intended Use Plan as presented. Seconded by Kathryn Murphy. Motion passed unanimously.

APPROVED AS PRESENTED

Rita Venner asked if the people who were not approved continue to reapply for future loans.

Mike Valde stated that once they have applied they remain on the list for future consideration.

NOTICE OF INTENDED ACTION – CHAPTER 93, ON-SITE WASTEWATER TREATMENT STATE REVOLVING FUND

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for a Notice of Intended Action that will initiate action to develop administrative rules for a proposed Onsite Wastewater Treatment State Revolving Fund program. The program is intended to provide loans to rural homeowners to upgrade or rehabilitate on-site waste treatment systems (e.g., septic systems). The Department and others have identified inadequate on-site systems as a significant problem and have worked with legislators and other agencies for an on-site program that would provide low or no interest loans for system improvements.

The Department is actively working with county sanitarians, legislators, ISAC, Iowa Bankers Association, Iowa Farm Bureau, Iowa League of Cities, Iowa Rural Water, USDA RC&D, USEPA to develop administrative rules to implement the on-site loan program. These rules propose to establish a new on-site revolving loan fund using EPA Clean Water SRF capitalization grant funds, with the 20% state match being provided by the \$600,000 in infrastructure funds appropriated for this purpose by the 2000 General Assembly. It is anticipated that a pool of \$3,000,000 will be provided in the initial year.

In general, loans would be provided to qualifying homeowners through participating lending institutions through a linked deposit approach. As proposed, the rules would:

- provide no-interest loans to qualifying homeowners for up to 10 years;
- require county approval and permitting of the proposed sewer system plans or changes funded with a SRF loan; and
- establish criteria which the county environmental health program must meet to manage the systems under loan and to enforce rules with respect to sewer systems on existing houses.

Loans would not be available for homeowners in counties that did not have adequate environmental health programs.

Because of the need to implement this program as soon as possible, the Commission is being asked to deviate from the usual procedure of providing draft rules one month before asking for approval of the NOIA. In addition, the rules as drafted may need significant additions or changes to provide the level of detail needed to legally and equitably implement this program. Six public hearings are scheduled to provide additional input on the rules.

ENVIRONMENTAL PROTECTION COMMISSION (567)**Notice of Intended Action**

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission is proposing to add a new Chapter 93, "On-Site Wastewater Treatment Revolving Fund," to the Iowa Administrative Code.

The Federal Water Pollution Control Act (e.g., "Clean Water Act") is directed toward the improvement of the quality of surface waters. This Act establishes financial assistance programs to provide aid to meet minimum federal treatment requirements and state water quality standards and implement state 319 plans. Authorization to set up this on-site wastewater treatment facilities fund in Iowa is found at Section 603(c) of the Clean Water Act. These rules will enable and administer the on-site wastewater infrastructure loan fund.

The rules define the fund's purpose, including the department's intent to utilize various authorized set-aside provisions within the fund. The rules also contain thresholds for counties to become eligible for loan assistance.

New definitions for "administrative authority", "eligible cost", "loan agreement," "on-site wastewater state revolving fund," and "participating financial institution" have been added.

These rules are intended to implement Iowa Code chapter 455B, division III, part 1, and Section 603(c) of the Federal Clean Water Act.

The following rule is proposed.

Add a new Chapter 93 as follows:

CHAPTER 93

ON-SITE WASTEWATER TREATMENT REVOLVING FUND

567--93.1(455B) Statutory Authority.

The authority for the Iowa department of natural resources to provide loans to eligible applicants to assist in the construction of approved on-site wastewater treatment and disposal systems is provided by Section 603(c) of the Federal Clean Water Act.

567--93.2(455B) Scope of title.

The department has jurisdiction over the surface and groundwater of the state to prevent, abate, and control pollution. As a part of that general responsibility, the department is designated to conduct the administration of the On-site Wastewater State Revolving Fund (OSWSRF) loan program to assist in infrastructure financing projects, pursuant to the Federal Water Pollution Control Act (Clean Water Act). Participants must comply with this chapter to be eligible for an OSWSRF loan. This chapter provides for the background, the general rules of practice for the department's administration of the program, including the criteria for loan eligibility, and the general program administration rules.

567--93.3(455B) Purpose.

The state revolving fund program provides financial assistance to individuals in eligible Iowa counties for design and construction of facilities to ensure public health and the proper construction and operation of on-site wastewater treatment systems. The Iowa Department of Natural Resources ("Department") administers this program. The Department establishes priorities for the use of the State OSWSRF, and publishes them each year in its Clean Water State Revolving Fund (CWSRF) Intended Use Plan (IUP)

(refer to 567--Chapter 92, Iowa Administrative Code (IAC)). The IUP will identify all proposed uses of available funds.

The United States Environmental Protection Agency (USEPA) provides capitalization grants for the CWSRF program to the State of Iowa. The Department of Natural Resources is the designated regulatory agency for water quality control in Iowa. Financial assistance projects must be in conformance with the requirements of the "Public Health Service Act (42 U. S. C. 300f et seq.)," United States Code, title XIV section 1452, Part E, and with Section 603(c) of the Clean Water Act.

567--93.4(455B) Definitions. The following words and terms shall have the following meanings unless the context clearly indicates otherwise:

"Administrative authority" means the local (county) board of health as authorized by Iowa Code section 455B.172.

"Department" means the Iowa Department of Natural Resources (DNR).

"Director" means the director of the Iowa Department of Natural Resources.

"Eligible cost" means the cost of all labor, material, machinery, equipment, loan initiation and loan service fees, design costs, permits, legal fees and expenses directly related to an onsite treatment plan project and all other expansion, construction, and rehabilitation of all or part of such a plan incurred after the date of approval of an on-site wastewater treatment project.

"Fiscal year" means the state fiscal year starting July 1 and ending June 30.

"Intended use plan" (IUP) means a departmental plan identifying the intended uses of funds available for loans in the OSWSRF for each fiscal year.

"Loan agreement" means an executed contract between an individual and the participating financial institution, confirming the purpose of the loan, the amount and terms of the loan, the schedule of the loan payments and requirements, and any other agreed-upon conditions set forth by the director.

"Onsite wastewater treatment state revolving fund" (OSWSRF) means a State-administered fund intended to develop a linked-deposit program for the issuance of on-site wastewater treatment and disposal system (as the term is defined in 567—Chapter 69.1(2), IAC) revolving loans to help finance infrastructure improvements and other activities intended to encourage and facilitate rule compliance and public health protection established by Section 603(c) of the Federal Clean Water Act.

"Participating financial institution" means any bank, bank holding company, national banking association, savings and loan association, life insurance company, any state or federal government agency or instrumentality, or any other financial institution or entity authorized to make mortgage loans or secured loans in the State. A financial institution (the "institution") may become a participant at any time by signing an escrow agreement with the Department. The escrow agreement will include the responsibilities outlined in subrule 93.6(1).

"Onsite SRF funds" means the combination of cumulative capitalization grants awarded, the 20% required state match, interest, and repayments from the program.

567—93.5(455B) Onsite Fund Established. Conditioned upon appropriation by the State legislature, a fund shall be established for the OSWSRF program. All repayments from loans made under this program shall be deposited into this fund, within the CWSRF. The state-appropriated funds plus all repayment monies shall be combined with federal capitalization grant funds to constitute the "onsite SRF funds" for a given year.

93.5(1). Distribution. Money available in this fund shall be distributed to participating financial institutions for loans to individuals in unincorporated areas of Iowa for the purpose of updating or repairing existing individual on-site wastewater treatment and disposal systems.

a. Initial year's Onsite SRF fund. In the initial year of funding for this OSWSRF program, available money in the onsite SRF fund will be allocated evenly among eligible participating counties.

Approximately April 1 of each fiscal year, money may be reallocated based upon eligible projects ready for funding.

- b. Future year's appropriation. In subsequent years of Legislative appropriation for this OSWSRF program, available money will be based and distributed on the number of eligible projects in each county. Each county shall submit a proposal by June 1 of each year estimating the demand for the funds within their jurisdiction.

93.5(2). Availability. The department will allow loans to be made only in those counties where the local environmental health program meets minimum standards. Minimum standards means compliance with all applicable state statutes, rules, and design standards, including 567—Chapter 69 (pertaining to technical standards for on-site wastewater treatment systems), and specifically must include:

- a. Proper site evaluations for appropriate onsite wastewater system installation.
- b. Permitting and inspection of on-site wastewater treatment system construction.
- c. A guarantee of compliance of all individual monitoring requirements on discharging systems.
- d. A long-term management program for all systems receiving OSWSRF assistance.
- e. Inspection for compliance with current wastewater treatment and disposal standards at time of ownership transfer on all existing housing.

93.5(3). Fund reserve. The Department shall administer a reserve fund for each contract fiscal year that shall not exceed \$20,000, in order to meet year-to-year contingency needs.

567--93.6(455B) Participating financial institutions. Any financial institution as defined in rule 93.4 is eligible to participate in the OSWWSRF by signing an escrow agreement with the Department.

93.6(1). Responsibilities of the Department to participating financial institutions.

- a. Provide a list of materials to explain loan procedures
- b. An escrow agreement form will be developed and provided to participating financial institutions.
- c. A promissory note form will be developed and provided to participating financial institutions.
- d. The department will assume responsibility for foreclosures resulting from loan default of greater than 90 days.

93.6(2). Responsibilities of participating financial institutions under escrow agreement.

- a. A determination of whether a loan can be secured will be made.
- b. A judgement will be rendered regarding the applicant's ability to repay the loan.
- c. Approved loans will be secured with a valid lien on real estate.
- d. Loan payments will be received by the financial institution and forwarded to the Department according to the escrow agreement.
- e. Escrow fees for administering the loans will be collected.
 - 1. Minimum escrow fees assessed to the borrower will be \$150 plus filing costs.
 - 2. Maximum escrow fees assessed to the borrower will be 2 percent of the loan plus filing costs
- f. Delinquent loans will be pursued via normal collection procedures for 90 days.

567 93.7(455B) Eligibility and restrictions for participation in onsite revolving fund loan program.

- a) No assistance shall be provided to any applicant who cannot demonstrate to the satisfaction of the participating financial institution that the applicant can repay the loan.
- b) No assistance shall be provided to any loan applicant within a county which has not adopted and implemented satisfactory department-approved health programs and practices, or demonstrated to the Department an on-going effort to adopt and implement such programs and practices within one calendar year from the date of the first loan agreement in the county. The applicant must have the

recommendation of and a construction permit issued by the county board of health. Plans and specifications for the construction shall comply with all applicable state statutes, rules, and design standards, including 567—Chapter 69 (pertaining to technical standards for on-site wastewater treatment systems) as well as any additional county ordinances.

- c) No assistance shall be provided for projects and activities deemed ineligible for participation in the on-site wastewater SRF program by the Department.
- d) Loan funds shall be used only to pay the total eligible costs deemed necessary, reasonable, and directly related to the efficient completion of an onsite treatment system. The term “onsite wastewater treatment and disposal system” may include the total or separate segments of a phased or cluster project.

567--93.8(455B) Loan application processing procedures.

93.8(1) Written application. To be eligible for reimbursement, the landowner must submit a written application for financial assistance to the county. The application must include

- 1. a description of the type of project for which financial assistance is being requested,
- 2. the amount of financial assistance being requested, and
- 3. a proposed preliminary construction schedule.

Application shall be made on an OSWSRF application form provided by the Department; the applicant may include additional information in the application. Forms can be obtained from the Environmental Protection Division, Iowa Department of Natural Resources, Henry A. Wallace Building, 502 E. 9th Street, Des Moines, IA 50319-0034 or from participating counties.

93.8(2) Applicants seeking financial assistance for small community or cluster systems using onsite technology also must include with their application to the participating county:

- 1. a description, if available, of each of the participating property owner’s current on-site wastewater treatment system, including a discussion of existing and potential problems or failures in the current treatment scheme,
- 2. an estimate of the population and the number of households to be served,
- 3. a description of the basis for treatment system design,
- 4. a justification of why a collection system to central treatment is not feasible,
- 5. a description of the management entity and program.

93.8(3) Denial of application by county. An applicant may be denied financial assistance (from the State revolving fund) by the county for any proposed treatment system. This may be due to identified project design or construction deficiencies, or lack of available funds allotted to the county by the OSWSRF. Applications for financial assistance which are denied by the county shall be retained in the county to the end of the program year. Written notification of the denial shall be provided to the applicant along with reason(s) that the application was denied..

93.8(4) Initial approval of applications by county. Those applications that meet eligibility requirements for the OSWSRF will be given initial endorsement by the county. Applicants who have received endorsement by the county will be requested to provide necessary financial information to a participating financial institution.

93.8(5) Final approval of application and obligation of funds. Upon receipt of proper financial disclosures on a form prescribed by the Department and endorsed by the county, the financial institution gives the application final approval for the project in the amount of the project cost estimate identified on the application. Upon approval of the application, the financial institution shall notify the individual applicant and the Department and funds will be forwarded to the participating financial institution.

93.8(6) Restriction on participation. No county is eligible for more than twenty five percent (25%) of the total available funds in any single fiscal year.

93.8(7). Loan amount. The minimum loan that will be granted under this program will be \$2,000. The maximum loan that a participant may receive for a single onsite system pursuant to this program shall not exceed \$10,000.

93.8(8) Number of loans. There will be no limit to the number of loans an applicant can receive, except that an applicant shall be eligible for no more than \$10,000 in loans outstanding at any time under this program. Each approved application will be handled as a new loan.

567--93.9(455B) Departmental Clean Water Intended Use Plan; incorporation thereto of OSWSRF program.

93.9(1) IUP Development. The director shall prepare an on-site wastewater treatment SRF intended use plan (IUP) each year as part of the Clean Water SRF IUP. The IUP will be submitted to a public hearing and approved by the commission and USEPA.

93.9(2) IUP Contents. The IUP will identify the anticipated sources and uses of loan funds available for that fiscal year and will include:

- a. A list of counties that are eligible to evaluate individual OSWSRF loan applications, and any proposed activities eligible for assistance under set-aside authority of the Clean Water Act. The list will include the projected amount of loan assistance per county.
- b. The method by which the OSWSRF IUP may be amended.
- c. Assurances on the state's waiver of applicable environmental review requirements of the Act.

567—93.10(455B) Departmental audit of local administrative authority. Reserved.

567—93.11(455B) Departmental construction inspections. Reserved.

567-93.12(455B) General departmental administrative requirements

93.12(1) Loan agreement conditions. The financial institution will approve a loan agreement when the application has been determined to be in compliance with the requirements of the Clean Water Act and applicable state rules for OSWSRF funding. The loan agreements to be executed by the applicant and the financial institution shall be a binding obligation under Iowa law, shall include conditions and terms to be effective for the loan period, and shall be accompanied by evidence of satisfactory security, legality, and enforceability. Each borrower's loan agreement terms may differ due to differences in legal structure and credit worthiness of eligible borrowers.

93.12(2) Allowable costs. Allowable costs shall be limited to those costs deemed necessary, reasonable, and directly related to the efficient completion of the treatment system.

93.12(3) Recipient recordkeeping. The recipients shall maintain adequate records that document all costs associated with the project. Moneys from the OSWSRF and those contributed by the recipient shall be accounted for separately.

93.12(4) Departmental access. The recipient shall retain all project records and documents for inspection and audit purposes for a period of three years from the date of the final loan payment. The

Department, the state auditor, EPA SRF Project Manager and the Office of the Inspector General at EPA shall have access to these records. The same access to the project site(s) shall be provided for inspection purposes.

93.12(5) Adjustments. Loan agreements will be binding commitments based on estimated eligible costs prior to construction. A final adjustment to a loan amount may be made upon completion of construction. If eligible costs exceed the loan amount, the recipient may request an increase. Should costs be less than the loan amount, the loan shall be adjusted.

93.12(6) Loan termination. The administrative authority shall have the right to terminate any loan when terms of the agreement have been violated or project activities are not progressing in a satisfactory manner. Loans will be terminated if construction has not begun within one year of the execution of a loan agreement. All terminations must be in writing.

567--93.13(455B) Repayment policy for individual loans.

93.13(1) Repayment. Loans shall be repaid in accordance with the terms and conditions of the executed loan agreement. Individual borrowers must begin repayment of the loan no later than one year after completion of construction. Principal payments will be made on a schedule determined by the financial institution which is consistent with these rules and financing requirements applicable to the OSWSRF. Repayment of the loan shall not exceed a 10-year repayment period as agreed upon in the loan agreement.

93.13(2) Interest. The loans shall bear no interest.

93.13(3) Prepayment. Prepayment of the principal in whole or in part may be made, in accordance with the terms and conditions of the executed loan agreement.

93.13(4) Other compliance. The recipient shall agree to comply with all applicable laws, rules, and regulations of the department, or other federal, state, and local jurisdictions concerning the financing, construction, operation, maintenance, and use of the on-site wastewater treatment facilities.

93.13(5) Property transfer. In the event of a property transfer from an individual landowner to another entity during the period of repayment specified in the loan agreement, the repayment period shall immediately end and the balance of the loan shall be due in full. If the entire balance of the loan is not paid within thirty (30) days of the date of sale, a delinquent loan charge shall be applied.

567--93.14(455B) Financial sanctions accruing to the loan recipient.

93.14(1) Departmental legal actions. Failure of the recipient to repay the loan in accordance with the schedule contained in the loan agreements will result in the loan being declared in default. After the financial institution has made a reasonable attempt for 90 days to collect delinquent payments, they shall notify the Department that the loan is in default. Once the loan is declared in default, the Director shall take legal action to collect amounts past due. Also, other state agencies will be notified and actions will be taken to preclude the recipient from receiving other grant or financial assistance until such time that all delinquent payments have been recovered. Interest rates upon loans for which payment is delinquent for more than 90 days, shall accelerate immediately to the current legal usury limit, applied to the entire unpaid principal, prorated for the period for which the installment is delinquent.

93.14(2) Rectification. Failure of an onsite treatment system to conform to approved plans and specifications or failure of a loan recipient to comply with the requirements of Chapter 69 constitute grounds for the administrative authority to withhold authorization of loan disbursements to the loan recipient. The loan recipient is then responsible for assuring that the identified problem in either the plans and specifications or the other relevant portion of the project is rectified such that disbursements may be resumed. Once an agreement for correcting the condition/s that led to withholding of funds is reached between the administrative authority and the loan recipient, the administrative authority will recommend that retained funds shall be released according to the provisions of the agreement.

567--93.15(455B) Disputes with the department.

A person or entity who disagrees with the administrative authority's funding decisions, or the withholding of project funding may request a formal review of the action. A request for review must be submitted in writing to the Director by the person or entity within 45 days of the date of notification of the final decision made by the administrative authority or its agent. A decision by the director in a formal review case may be further appealed to the Environmental Protection Commission (EPC).

567--93.16(455B) Financial need. Reserved.

Mike Valde stated that this was a water initiative that the legislature passed that appropriated money out of the infrastructure fund, which included \$600,000. This has enabled the Department of Natural Resources to begin a program of a revolving loan fund for onsite systems, also called septic tanks. He stated that we can leverage that with a federal grant money match of 20% state to 80% federal. This results in a pool of \$3,000,000. This money will be available for loans to individual homeowners with onsite septic tanks that need to be improved, replaced or upgraded. Mr. Valde stated that his division had people developing the rules on how this fund would be administered. He stated that he wanted to send it out to the public as a Notice of Intended Action and that they would revise the rules as public comments are received.

Terry Townsend asked how they would prioritize, he wondered if the sanitarians would be able to help identify problem areas.

Mike Valde stated that this program would be worked largely through the local sanitarians and county health departments.

Darrell Hanson asked in reference to 93.5(2) Availability, if this language requires that a county have a sanitarian or someone fulfilling a similar function in order for their residents to qualify for this program.

Mike Valde stated that he believed that was the intent.

Darrell Hanson asked if we still had a lot of counties out there that did not have sanitarians.

Jack Reissen answered that they did not have an exact number of counties but there were a few that still did not have sanitarians. He also stated that there were counties that had sanitarians that were not doing the job they were intended to do.

Darrell Hanson asked how those counties would be identified.

Jack Reissen said that part of the process they were trying establish was to make sure they had a bonified committee system and that they do inspection. They are hoping this program will bolster the support of the county health programs that are out there.

Darrell Hanson asked if there was any thought given to also requiring inspection and enforcement of water well standards as a precondition.

Jack Reissen said that he had not been in on all of the discussion but he thought they would probably discuss the possibility.

Rita Venner asked how they would identify rural homeowners. She stated that unincorporated towns sometimes have groups of homeowners that have one water well and one septic tank.

Mike Valde quoted the statute that states "outside incorporated areas."

Rozanne King asked about the written application process, and whether it is all handled through the county sanitarian or do they submit it to the Department of Natural Resources.

Jack Reissen answered that the homeowners would actually get their loans through a local lending institution, and in order to get the loan they would need their county's approval of what they are planning to do. The department would then reimburse the lending institutions.

Rozanne King asked if there were any lending institutions that would not participate.

Mike Valde stated that because there was not a lot of money in it for the lending institution that there may be some that would refuse.

Darrell Hanson stated that it had been his experience with link deposit programs such as these there have always been some lending institutions that choose not to participate.

Rozanne King expressed concern about the lending institutions refusals becoming a barrier to the program.

Mike Valde stated that if they found that it was a significant barrier to the program they would look at ways of making it more attractive to the lending institution.

There was a brief discussion about working with the lending institutions.

Rozanne King expressed concern about the possibility of an aggressive sanitarian monopolizing the program.

Jack Reissen explained than no more than 25% of the monies could go to any one county. He said they would also have to write an Intended Use plan for these monies on a yearly basis.

Motion was made by James Braun to approve the Notice of Intended Action, Chapter 93, Onsite Wastewater Treatment State Revolving Loan Fund. Seconded by Rozanne King. Motion carried unanimously.

APPROVED AS PRESENTED

OPERATING PERMIT FEE RATE – PUBLIC WATER SUPPLY

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for setting the public water supply annual operation fee for state fiscal year 2001 at \$0.1355 per person served by the public water supply.

The Water Quality Protection Fund, which is used to administer the Department's public water supply program, is derived from a combination of EPA grant funds, state general funds, and public water supply operation fees. Statutory provisions (Iowa Code Section 455B.183A) limit the operation fee revenues to a total of \$350, 000 per year. Current rules (567 IAC 43.2(1)) set the operation fee at the greater of \$25 or \$0.14 per person served but allow the Commission to adjust the per-person fee by \pm \$0.02 on a yearly basis to meet a target of \$350,000.

To meet the \$350,000 target for state fiscal year 2001, it is anticipated the per-person fee will need to be \$0.1355, which would be a slight decrease from the 2000 rate of \$0.1365.

Mike Valde explained the reasons for the rate reduction.

Motion was made by James Braun to approve the Operation Permit Fee Rate for Public Water Supplies. Seconded by Darrell Hanson. Motion carried unanimously.

APPROVED AS PRESENTED

PETITION FOR RULEMAKING – HUBERT HOUSER, AMENDMENT TO CHAPTER 65

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Attached is a Petition for Rulemaking from 16 members of the Iowa House of Representatives. The Petition requests that chapter 65, relating to regulation of animal feeding operations, be amended to:

- Require that owners of confinement feeding operations [CFO] that are not permit applicants to submit manure management plans [MMP] prior to construction of the facilities.
- Require that an owner of a proposed CFO required to submit a MMP do so before construction of a CFO structure begins.

The Petition also makes various requests regarding the department's handling of the information that would be obtained through the above rule changes.

The Commission is requested to deny the Petition, for the reasons stated in the attached response to the Petition, dated May 12, 2000. We do recommend that these issues be referred to the Animal Agriculture Consulting Organization for its consideration.

Re: Petition for rule making

Dear Rep. Houser,

This is in response to a petition for rule making that was recently submitted to the department by you and several of your colleagues. We believe this was at least partially initiated as a result of the unauthorized construction by Swine USA in your home district. We know that some of the concerns you expressed about that particular incident dealt with inadequate public notice of the company's intention to build and with the adequacy of their manure management plans. Your petition clearly states those concerns in item number 6.

We would like to offer the following comments and concerns about the petition. First, the department has historically been in favor of requiring registration of any size animal feeding operation so that some sort of inventory is available. This has not been proposed as a rule in the past, but this proposal starts to address that issue by requiring any facility that needs a manure management plan to register. This proposal would also require the department to check the legal description of proposed sites against our existing records for permitted facilities. We can do that easily enough, but this still does not get at the problem that we believe you are really trying to address. We do not have records of the facilities that are below permit threshold limits. There are far more of these types of facilities in the state than permitted. In order to adequately check these to assure that adjacency problems are identified, a field visit will be required to determine if other facilities are already in existence. Additionally, the statute contains two different adjacency

definitions, one based on common ownership and management and one for use in determining separation distances. Information about who owns or manages facilities, both proposed and existing, would have to be verified. Information about the animal weight capacity of existing operations would also have to be checked. Finally, none of these steps provides public notice to the local area where the facilities are being proposed. In order to adequately provide that notice, notification should be given to the county board of supervisors.

The second part of your petition would require submission of manure management plans prior to construction. This is to allow the public to comment on the plans prior to construction. The petition seems to imply that the department doesn't need to review and approve these prior to construction because of current staffing and backlog levels. However, it would seem that if the public is going to comment on these plans, probably through some public notice with the county board, the public might also reasonably expect that the department would respond to their comments. This response cannot be adequately made without a review.

The department is currently in the process of reviewing approximately 2000 backlogged manure management plans submitted by existing operations. By rule, no operator required to have a manure management plan can legally spread manure after January 1, 2001, unless the plan is approved by the department. We have extended that deadline by one year already, and were somewhat chastised by the Legislature for taking that action. We have been actively reviewing plans for approximately 6 months and know that we will not have our backlog finished by January 1. Our review process has shown that approximately 75% of the plans we look at do not meet the requirements of the statute. We have been working with producers to explain how to bring their plans into compliance, but it is a time consuming process. We believe it is better to explain and educate to our farmers what is necessary to comply with the law, rather than deny their plan without explanation. We also believe our time is better spent dealing with facilities that are already in existence. If this rule is adopted, at least part of our staff time will have to be diverted to deal with these new manure management plans, thereby further delaying our review of already existing facilities.

Finally, what sort of action do you anticipate the department taking when construction is started on a facility that does not need a construction permit, and has not complied with this rule? You can be assured that the department does learn about most new facilities being built in the state when construction starts and the neighbors start making inquiries. Are we to halt construction even though no permit is required? It seems to us that if the department is to have a rule of this sort, then there must be some consequence to breaking the rule.

We offer the following to help address some of these concerns:

The rules should require the owner of any proposed facility to notify the county board of supervisors with the same information provided to the department. This would satisfy the need for local notice without requiring the department to be responsible for that action.

We see no realistic way for the department to review proposed manure management plans with current staffing levels. Requiring this submission by rule implies to the public that we will review these plans. Our priority right now is to review plans for facilities that are already in existence, which is where we believe it should be.

When the department proposes or adopts a rule, we believe that we have a responsibility to the public to enforce that rule. We cannot realistically expect to do that with this proposal. While we actually agree, these are steps that should be taken, we also think that the public will expect us to be able to enforce and apply these rules to each situation. We can not.

This petition will be presented to the Environmental Protection Commission at their meeting on June 19, 2000. At that time, the staff will be recommending that the petition for rulemaking be denied. The reasons we will recommend denial are outlined above. We will be happy to meet with you and your fellow petitioners to discuss this matter in greater detail. If that is not convenient for you, we will also accept any other written comments that you wish to offer. We will be forwarding a copy of your petition and this letter to members of the Animal Agriculture Consulting Organization for their information and comment. If any of those organizations have comments or concerns, we will give them due consideration since the law requires their participation in our rulemaking activities. If you have any questions or wish to talk to me, I can be reached at 515-281-5817 on Monday through Thursday and 319-653-2135 on Fridays. - - Wayne Gieselman, Coordinator

Mike Valde stated that he discussed this petition with the Attorney General's Office and Joe Royce, attorney for the rules review committee, and through those discussions the decision was made to suggest that the commission approve the petition and begin the rule making process, by publishing a notice of intended action containing just the description of the subjects and issues involved in accordance with section 17A.4 of the Administrative Procedures Act. That process would provide a type of notice that would invite public comment, and come up with the specific language later in the process. He suggested that some of the specific questions to ask is whether we should, or if we have the authority to charge fees for the manure management plans that we have to review, and how can we support it.

Darrell Hanson stated that he had mixed feelings regarding this petition. He stated that he believed that it would create more work initially. He also said he thought it might give the public the idea that something substantive had changed when in fact it had not. He commended Representative Houser and others involved for bringing up the point, which he feels that in the long run might better serve the public and the operator, by having the DNR serve as consultants at the beginning of the process rather than show up later as cops. He stated that although it makes sense it has to be consistent with the limited resources that the legislature has given this Department.

Mike Valde commented that in Wayne Gieselman's written response to this petition he stated one of our main concerns was the resources. He also commented that it appeared that the intent of the petition was for public notice but submitting the manure management plans to us did not necessarily ensure public notice.

There was further discussion regarding the public notification issue.

Mike Valde stated that the eleventh paragraph of the petition requested that the commission adopt this petition by emergency rules. He said that he could not suggest that commission grant that request because in doing so the commission would need to find that public notice and comment are unnecessary.

Darrel Hanson suggested that advance knowledge of earthen facility was going up on a non-permitted site might be useful in avoiding future problems.

James Braun stated that he would like to put Mike Valde's suggestion into action, and asked what procedures would be necessary to do that.

Mike Valde stated that they would need a motion to commence rule making. It would need to state the subject and issues involved.

Rita Venner asked if we would need to first deny the current petition or could they amend it to represent the wording that they discussed.

Mike Murphy stated that they could make a motion to deny the petition as stated but commence a proposed rule making on the general subjects and issues based on the petition.

There was discussion on how best to go about the proposed rule making process.

Wayne Geiselman stated that one issue that has not been mentioned in discussion was Point 9 of the petition dealing with site locations and where specific facilities will be located. This point asks that the commission make some kind of determination about adjacency and whether the separation distances have been met, and whether adjacency also carries a definition that deals with ownership and management. He believes that this was another issue that this petition was trying to deal with.

James Braun asked if Wayne Geiselman currently has the information on the manure management plans on the non-permitted facilities for the adjacency question.

Wayne Geiselman answered that permitted facilities have to submit a manure management plan to us and locate their sites within that plan within a quarter section, so we know generally where it is located. He then stated that any facility under the 200,000 pound threshold which by law is defined as a small animal feeding operation, does not have to have either a manure management plan or any type of construction permit from the Department of Natural Resources. He added that the Department will not always know where those sites are.

James Braun asked on the sites that are 200,000 pounds and above that are non-permitted but required to file a manure management plan, does it have the weights and the ownership requirements that would be needed to make the adjacency decision.

Wayne Geiselman answered that they would not necessarily have the ownership information nor does it have specific enough information about exact location of the site because they do not go

by property line, they go from the animal feeding operation structure to the next animal feed operation structure. The information they get in the manure management plan is what quarter section the facility is in.

James Braun stated that solving the adjacency problem is far more complicated than just submitting a manure management plan, so in the rule making process we would also want the adjacency issue discussed.

Darrell Hanson stated that we could not actually change the adjacency requirement but we would need to look at ways to monitor and enforce it.

James Braun stated that in order to make the adjacency determination we would need to know just exactly where the facility is so that we can determine how close they are to the next one. We would also need to know the ownership and management information because there are different distances involved if there is common ownership.

James Braun asked if the DNR had the permitted facilities listed on a computer grid.

Wayne Geiselman stated though we do not have a computer grid, we do have a computer system that tracks where they are.

James Braun stated that if the DNR had the resources, mapping of both the non-permitted and permitted facilities would be a good thing to have.

Wayne Geiselman stated that there have been a couple of occasions where two plans had the same field identified as catching manure. Staff is currently trying to put everything onto a GIS system but it is a long process.

James Braun stated that we need a motion to deny the petition as it is stated but commence a rule making process which includes public dialog, manure management plans prior to construction, public notification, addresses the adjacency issue, and the potential for fees.

There was discussion regarding whether to take the rule to Animal Agriculture Consulting Organization (AACO) once it was drafted or to go to them for assistance in drafting it. There was a consensus that having a clear cut idea of the rule prior to taking it to the public was the best choice.

Motion was made by James Braun, to deny the petition as stated, but commence a rule making process which initiates action for public hearing and rules addressing four things, manure management plans prior to construction, public notification, adjacency issues, and potential for fees. Seconded by Darrell Hanson.

Discussion followed regarding whether or not to file the Notice of Intended Action.

Deputy Director Larry Wilson explained that he believes what the Commission wants is to deny the petition and direct the staff to come to the next meeting with a Notice of Intended Action. And in preparation of the notice they would work with AACO.

There was discussion about when the staff would be able to bring the Notice of Intended Action back to the Commission. It was decided that Wayne would meet with AACO in August. And they would bring the Notice of Intended Action to the Commission in September.

Motion carried unanimously.

PETITION DENIED AND RULES TO BE DEVELOPED

PROPOSED CONTESTED CASE DECISION – IOWA WASTE SYSTEMS INC.

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On July 11, 1997, the department issued Administrative Order No. 97-SW-11 to Iowa Waste Systems, Inc. and the Fayette County Solid Waste Commission, and on March 10, 1999, issued Administrative Order No. 1999-SW-03 to these same parties. The first Order related to operational violations at the landfill and failure to report a hazardous condition. The second Order related to operational violations at the landfill. Both Orders were appealed by the parties. On October 1, 1999, the department entered into a settlement agreement with the Landfill Commission and both Orders were amended to reflect the settlement. Iowa Waste Systems appealed the amendments. The matter proceeded to administrative hearing on April 4 and 5, 2000. The Administrative Law Judge issued the attached Proposed Decision on May 12, 2000. The decision affirms the amended Orders in part, reverses the amended Orders in part, and reduces the penalties.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mike Murphy explained that this matter involves two administrative orders that were issued to Iowa Waste Systems and the Fayette County Solid Waste Commission. Both of those orders were appealed and this deals with Fayette County Landfill. We ultimately worked out a settlement with the landfill commission and the orders were amended. Iowa Waste Systems proceeded with their appeal, hearing was held, and the proposed decision of the law judge was mailed to the commission. The decision affirms the orders in part, reverses the orders in part, and reduces the penalties. To date we have not received an appeal.

Terry Townsend asked if the department is satisfied with the decision.

Mr. Murphy stated that we do not plan to appeal, unless the other party appeals.

The commission chose to take no action; this has the effect of upholding ALJ decision in the absence of an appeal.

ALJ DECISION UPHELD

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

a. The Legacy Group, L.C.; Timberbrooke, L.C.; and John C. Kline (Des Moines) – water quality. Tabled item from May agenda; this matter has been settled and the referral request is withdrawn.

b. Wunschel Oil Company, Vernus and Jaquelyn Wunschel (Ida Grove) – hazardous condition.

The Legacy Group (Des Moines) (TABLED)

<i>Motion was made by Rozanne King to remove The Legacy Group item from the table. Seconded by Kathryn Murphy. Motion carried unanimously.</i>
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Mike Murphy stated that the case was being withdrawn as a settlement had been reached.

REFERRAL WITHDRAWN

Wunschel Oil Company, Vernus and Jaquelyn Wunschel (Ida Grove)

Mike Murphy stated that he thought we needed court supervision on this case, because of its complicated factual and legal background. He stated that there were many legal actions proceeding with other departments as well as our own. He stated that it has been documented that there is a large amount of free product on the Wunschel property, they did cooperate with us for a while as far as getting a recovery system put in place. He stated that we were still finding 6 to 10 feet of free product the last time they were allowed on the property to check. The parties have withdrawn their cooperation despite our numerous contacts in an attempt to get back on the site to continue recovery efforts. Mr. Murphy stated that they are asking for the referral to the Attorney General primarily to get an injunction to get back on the property. Mr. Murphy also stated that although the department is only looking for an injunction to get back on the property that the Attorney General should be free to levee civil penalties if they feel it is necessary.

Motion was made by Rozanne King for referral to the Attorney General's Office. Seconded by James Braun. Motion carried unanimously.

REFERRED

James Braun asked what the definition of free product was.

Mike Murphy stated that it was the amount petroleum floating on the water in the wells on the property.

There was a brief discussion regarding the large discrepancy that should have been noticed between the amount of product the company purchased and the amount it sold, how long the company has been operating, the exhumation of underground storage tanks, the possibility of a gas station being on the property prior to the Wunschels, and the fact that this incident involves multiple sources.

GENERAL DISCUSSION

Terrance Townsend discussed the August 22 having been set to tour the proposed Blue Stem facility. He stated that the application for the land fill had been withdrawn due to some differences with the FAA and the separation distance between the land fill and the airport. He said that they would move the meeting back to Monday unless someone else had somewhere else they wanted to visit.

Deputy Director Larry Wilson stated that Elizabeth Christiansen had arranged for a tour of the Cedar River Paper Company and a compost facility in the area.

Chairman Townsend stated that he would discuss the matter with Elizabeth Christiansen and they would make a final decision prior to next meeting.

James Braun thanked Deputy Director Larry Wilson for his input on the agreement with the Department of Economic Development – Small Business Liaison. He stated that it was to good have people who have followed the process through the years who have greater understanding of the issues, watch over the budget.

NEXT MEETING DATES

July 17, 2000

August 22, 2000

September 18, 2000

ADJOURNMENT

<i>Motion was made by Darrell Hanson to adjourn the meeting. Seconded by James Braun. Motion carried unanimously.</i>

With no further business to come before the Environmental Protection Commission, Chairman Townsend adjourned the meeting at 1:50 p.m., Monday, June 19, 2000.

Lyle W. Asell, Interim Director

Terrance Townsend, Chair

Rita Venner, Secretary